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D E C I S I O N
of 10 January 1996

Case Number: T 0452/92 - 3.3.2

Application Number: 83900806.7

Publication Number: 0142561

IPC: A61K 9/16

Language of the proceedings: EN

Title of invention:
Long-acting nifedipine preparation

Patentee:
KANEBO, LTD.

Opponent:
Hexal-Pharma GmbH & Co. KG

Headword:
-

Relevant legal provisions:
EPC Art. 111(1), 113(2)

Keyword:
"Revocation of European patent at request of the proprietor"

Decisions cited:
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Catchword:
-

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Case Number: T 0452/92 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 10 January 1996

Appellant: (Opponent)
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Representative:
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Respondent: (Proprietor of the patent)
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Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted 23 March 1992 rejecting the opposition filed against European patent No. 0 142 561 pursuant to Article 102(2) EPC.**

Composition of the Board:

Chairman: P. A. M. Lançon
Members: U. Oswald
R. E. Teschemacher

Summary of Facts and Submissions

I. In a decision posted 23 March 1992, the Opposition Division decided to reject the opposition filed against European patent No. 0 142 561.

II. The Opponent appealed against this decision by a letter filed on 13 May 1992, paid the fee for appeal on the same date and filed a statement of grounds of appeal on 23 July 1992. He requested that the patent be revoked.

III. In a letter dated 3 January 1996 the Patentee (Respondent) stated: "It is hereby requested that the patent in suit be revoked in its entirety."

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.

2. The Patentee (Respondent) has made clear in his letter dated 3 January 1996 that he wishes his patent to be revoked. The Board can therefore in exercise of its power under Article 111(1) EPC decide to revoke the European patent (see Decisions T 186/84, OJ EPO 1986, 79 and T 237/86, OJ EPO 1988, 261).

Order

For these reasons it is decided that:

The decision of the Opposition Division is set aside and European patent No. 0 142 561 is revoked.

The Registrar:

P. Martorana

The Chairman:

P. A. M. Lançon

19.1.96