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D E C I S I O N
of 22 February 1995

Case Number: T 0994/92 - 3.2.4

Application Number: 86200407.4

Publication Number: 0194733

IPC: A01C 17/00

Language of the proceedings: EN

Title of invention:

Apparatus for spreading granular and/or pulverulent material

Patentee:

C. van der Lely N.V.

Opponent:

Amazonen-Werke H. Dreyer GmbH & Co. KG

Headword:

-

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

"Revocation at the request of the patent Proprietor"

Decisions cited:

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Catchword:

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Case Number: T 0994/92 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 22 February 1995

Appellant:
(Opponent)

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Respondent:
(Proprietor of the patent)

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Decision under appeal:

Interlocutory decision of the Opposition Division
of the European Patent Office dispatched on
25 August 1992 concerning maintenance of European
patent No. 0 194 733 in amended form.

Composition of the Board:

Chairman: C. Andries
Members: M. Ceyte
J. P. Seitz

Summary of Facts and Submissions

I. The Appellant (Opponent) lodged an appeal, received on 30 October 1992, against the interlocutory decision of the Opposition Division, dispatched on 25 August 1992 concerning the maintenance of the European patent No. 0 194 733 in amended form. The appeal fee was paid on the same day.

The statement setting out the grounds of appeal was received on 15 December 1992.

II. In a letter dated 13 February 1995, the Respondent (Proprietor of the patent) informed the Board that it no longer approved the text of the European patent No. 0 194 733 and that it would not file an amended text.

Reasons for the Decision

1. The appeal is admissible.
2. The Patentee has made it clear that it no longer approved the text of the patent and that it would also refrain from submitting an amended text. Since it follows from the provisions of Article 113(2) EPC that a European patent cannot be maintained against the Proprietor's will, the present patent has to be revoked (cf. decision T 73/84, OJ EPO 1985, 241).

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:



N. Maslin

The Chairman:



C. Andries