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File Number: T 1110/92 - 3.2.2
Application No.: 85 305 690.1
Publication No.: 0 215 163
Title of invention: Methods for preparing flat-bottom thermoplastic sack
and systems therefor

Classification: B31B 37/00

D E C I S I O N
of 29 May 1993

Applicant: MOBIL OIL CORPORATION
Opponent: LEMO M. Lehmacher & Sohn GmbH,

Headword:

EPC Articles 68 and 113(2)

Keyword: "Request for revocation of the patent from patent proprietor"



Case Number : T 1110/92 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 29 May 1993

Appellant : LEMO M. Lehmacher & Sohn GmbH,
(Opponent) Rheidter Straße 52
D - 53859 Niederkassel (DE)

Representative : Albrecht, Rainer Harald
Patentanwälte
Andrejewski, Honke & Partner
Theaterplatz 3
D - 45002 Essen (DE)

Respondent : MOBIL OIL CORPORATION
(Proprietor of the patent) 150 East 42nd Street
New York
New York 10017 (US)

Representative : Cooper, John Anthony
Mobil Court
3 Clements Inn
London WC2A 2EB (GB)

Decision under appeal : Decision of the Opposition Division of the
European Patent Office dated 19 November 1992
rejecting the opposition filed against European
patent No. 0 215 163 pursuant to Article 102(2)
EPC.

Composition of the Board :

Chairman : G.S.A. Szabo
Members : J. Van Moer
M.G. Noel

Summary of Facts and Submissions

- I. In a decision dated 19 November 1992 the Opposition Division rejected the opposition filed against European patent No. 0 215 163.
- II. The Appellant appealed against this decision by a letter filed on 16 December 1992 in which he requested that the patent be revoked. He paid the fee for the appeal on the same date and filed a Statement of Grounds of Appeal on 20 March 1993.
- III. In a letter dated 7 May 1993 the Respondent stated:
"... I revoke this patent leaving no rights outstanding."

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The Respondent requests the revocation of its European patent.

Since it follows from the provision according to Article 113(2) EPC that a European patent cannot be maintained against the proprietor's will, the present European patent has, therefore, to be revoked (cf. decision T 186/84; OJ EPO 1986, 79) and shall, according to Article 68 EPC, be deemed not to have had any effects as from the outset.

Order

For these reasons, it is decided that:

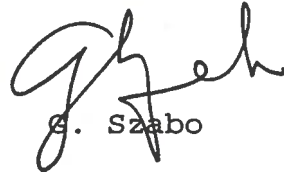
The European patent No. 0 215 163 is revoked with retrospective effect to the filing date.

The Registrar:



S. Fabiani

The Chairman:



G. Szabo

R. Wolf. 27.8.93

JM 6.9.93