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File No.: T 0492/93 - 3.3.1
Application No.: 84 307 302.4
Publication No.: 0 144 140
Classification: C09K 7/02
Title of invention: Materials for use in drilling muds

D E C I S I O N
of 10 August 1993

Applicant:
Proprietor of the patent: ALLIED COLLOIDS LIMITED
Opponent: SNF Floerger

Headword:

EPC: Art. 111(1)

Keyword: "Revocation of European patent on request of proprietor"

Headnote
Catchwords



Case Number: T 0492/93 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 10 August 1993

Appellant:
(Opponent)

SNF Floerger
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Representative:

Strasse, Maiwald, Meys, Stach & Vonnemann
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Respondent:
(Proprietor of the patent)

ALLIED COLLOIDS LIMITED
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Representative:

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Decision under appeal:

Interlocutory decision of the Opposition Division
of the European Patent Office dated 25 March 1993
concerning maintenance of European patent
No. 0 144 140 in amended form.

Composition of the Board:

Chairman: K. Jahn
Members: P. Krasa
J. Stephens-Ofner

Summary of Facts and Submissions

- I. An appeal, which was duly lodged by the Appellant/ Opponent against the interlocutory decision of the Opposition Division of the European Patent Office dated 25 March 1993 concerning maintenance of European patent No. 0 144 140 in amended form requested that the decision be set aside and that the patent be fully revoked.
- II. In a letter filed on 2 August 1993, the Respondent/ Patentee stated the following: "The Patentee no longer approves of the text of the granted patent. The patent may therefore be revoked".

Reasons for the Decision

1. The appeal is admissible.
2. The Patentee has made clear in his letter received on 2 August 1993 that he wishes his patent to be revoked. In these circumstances, there can scarcely be any more cogent reason for revoking it since it cannot be in the public interest to maintain a patent against its proprietor's will.

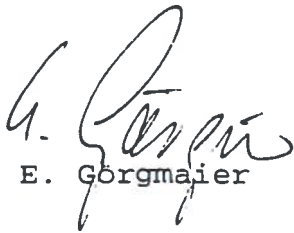
The Board has, therefore, in the exercise of its power under Article 111(1) EPC, decided to revoke the European patent (Article 102 EPC). (See Decisions T 237/86, OJ EPO 1988, 261; T 186/84, OJ EPO 1986, 79 and T 459/88, OJ EPO 1990, 425.)

Order

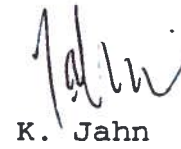
For these reasons, it is decided that:

1. The decision under appeal is set aside.
2. European patent No. 0 144 140 is revoked.

The Registrar:


E. Görgmaier

The Chairman:


K. Jahn