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**D E C I S I O N**  
of 22 December 1995

**Case Number:** T 0834/93 - 3.3.2

**Application Number:** 88301113.2

**Publication Number:** 0282165

**IPC:** C01B 3/50

**Language of the proceedings:** EN

**Title of invention:**

Method and plant for recovering hydrogen and argon from ammonia synthesis purge gas

**Patentee:**

AIR PRODUCTS AND CHEMICALS, INC.

**Opponent:**

Linde Aktiengesellschaft, Wiesbaden

**Headword:**

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**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 0834/93 - 3.3.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.2  
of 22 December 1995

**Appellant:** Linde Aktiengesellschaft, Wiesbaden  
(Opponent) Zentrale Patentabteilung  
D-82049 Höllriegelskreuth (DE)

**Representative:** -

**Respondent:** AIR PRODUCTS AND CHEMICALS, INC.  
(Proprietor of the patent) P.O. Box 538  
Allentown  
Pennsylvania 18105 (US)

**Representative:** Lucas, Brian Ronald  
Lucas & Co.  
135 Westhall Road  
Warlingham  
Surrey CR6 9HJ (GB)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 9 August 1993  
concerning maintenance of European patent  
No. 0 282 165 in amended form.

**Composition of the Board:**

**Chairman:** P. A. M. Lançon  
**Members:** G. J. Wassenaar  
R. E. Teschemacher

### Summary of Facts and Submissions

- I. In an interlocutory decision dated 9 August 1993, the Opposition Division decided that the patent No. 0 282 165, as amended by the proprietor, met the requirements of the EPC.
- II. The Opponent appealed against this decision by a letter filed on 9 September 1993, paid the fee for appeal and filed a Statement of Grounds of Appeal on the same date. He requested that the patent be revoked.
- III. In a letter dated 20 December 1995 the Patentee (Respondent) stated: "we hereby formally request that the above-identified patent be revoked."

### 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 20 December 1995 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:

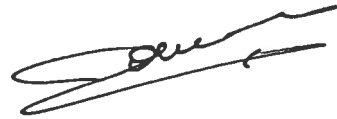
The decision of the Opposition Division is set aside and the European patent No. 0 282 165 is revoked.

The Registrar:



P. Martorana

The Chairman:



P. A. M. Lançon

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*Alw.*