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D E C I S I O N
of 10 November 1994

Case Number: T 1061/93 - 3.3.2

Application Number: 86309492.6

Publication Number: 0225793

IPC: B01J 47/04

Language of the proceedings: EN

Title of invention:

Use of ion exchange resin mixtures in cation exchange processes

Patentee:

ROHM AND HAAS COMPANY

Opponent:

Bayer AG, Leverkusen Konzernverwaltung RP Patente Konzern

Headword:

Ion exchange/ROHM AND HAAS

Relevant legal norms:

EPC Art. 111(1)

Keyword:

"Revocation on the request of Proprietor"

Decisions cited:

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Catchword:

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Case Number: T 1061/93 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 10 November 1994

Appellant:
(Opponent)

Bayer AG, Leverkusen
Konzernverwaltung RP
Patente Konzern
Bayerwerk
D-51368 Leverkusen (DE)

Representative:

-

Respondent:
(Proprietor of the patent)

ROHM AND HAAS COMPANY
Independence Mall West
Philadelphia
Pennsylvania 19105 (US)

Representative:

Angell, David Whilton
ROHN AND HAAS
European Operations Patent Department
Lennig House
2 Mason's Avenue
Croydon CR9 3NB (GB)

Decision under appeal:

Interlocutory decision of the Opposition Division
of the European Patent Office dated 16 November
1993 concerning maintenance of European Patent
No. 0 225 793 in amended form.

Composition of the Board:

Chairman: P. A. M. Lançon
Members : G. J. Wassenaar
J. A. Stephens-Ofner

Summary of Facts and Submissions

- I. In an interlocutory decision dated 16 November 1993, the Opposition Division decided to maintain the patent No. 0 225 793 in amended form.
- II. The Opponent appealed against this decision by a letter filed on 20 December 1993, paid the fee for appeal on the same date and filed a Statement of Grounds of Appeal on 10 March 1994. He requested that the patent be revoked.
- III. In a letter dated 21 October 1994 the Patentee (Respondent) stated: "Patentees hereby request revocation of the above-identified European patent for all of the designed states."

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 21 October 1994 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. 0 225 793 is revoked.

The Registrar:

The Chairman:

P. Martorana

P. A. M. Lançon