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PATENTAMTS

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D E C I S I O N
of 2 January 1996

Case Number: T 0185/94 - 3.2.3

Application Number: 85308678.3

Publication Number: 0185479

IPC: B05B 7/14

Language of the proceedings: EN

Title of invention:
Powder delivery system

Patentee:
NORDSON CORPORATION

Opponent:
Gema Volstatic AG
Wagner International AG

Headword:
-

Relevant legal provisions:
EPC Art. 102(3a), 113(2)

Keyword:
"Revocation at the request of the Proprietor"

Decisions cited:
-

Catchword:
-



Case Number: T 0185/94 - 3.2.3

D E C I S I O N
of the Technical Board of Appeal 3.2.3
of 2 January 1996

Appellant:
(Proprietor of the patent)

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Representative:

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Respondent:
(Opponent I)

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Representative:

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Respondent:
(Opponent II)

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Representative:

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Decision under appeal:

Interlocutory decision of the Opposition Division
of the European Patent Office posted 28 December
1993 concerning maintenance of European patent
No. 0 185 479 in amended form.

Composition of the Board:

Chairman: C. T. Wilson
Members: F. Brösamle
L. C. Mancini

Summary of Facts and Submissions

- I. In its decision dated 28 December 1993 the Opposition Division maintained the European patent No. 0 185 479 in amended form.
- II. The Appellant (Proprietor) appealed against the decision of the Opposition Division on 28 February 1994, requesting that the patent be maintained as granted. The appeal fee was paid on 28 February 1994 and the Statement of Grounds filed on 27 April 1994.
- III. In a letter dated 18 December 1995 the Appellant (Proprietor of the patent) declared disagreement with the text of the European patent.

Reasons for the Decision

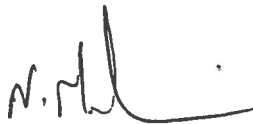
1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The Appellant no longer approves of the text in which the patent was granted and also refrains from submitting an amended text (cf. decision T 186/84; OJ EPO 1986, 79).
3. Since it follows from the provision according 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. 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 European patent No. 0 185 479 is revoked.

The Registrar:



N. Maslin

The Chairman:



C. T. Wilson