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**D E C I S I O N**  
of 13 June 1996

**Case Number:** T 0637/94 - 3.3.1

**Application Number:** 86302898.1

**Publication Number:** 0202770

**IPC:** G03C 7/38

**Language of the proceedings:** EN

**Title of invention:**

Light-sensitive silver halide color photographic material

**Patentee:**

KONICA CORPORATION

**Opponent:**

Fuji Photo Film Co., Ltd.

**Headword:**

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**Relevant legal provisions:**

EPC Art. 111(1)

**Keyword:**

"Revocation of European patent as consequence of patentee stating: 'He no longer approves the text in which the patent was granted'."

**Decisions cited:**

T 0073/84

**Catchword:**

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Case Number: T 0637/94 - 3.3.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.1  
of 13 June 1996

**Appellant:**  
(Opponent) Fuji Photo Film Co., Ltd  
No. 210, Nakanuma  
Minami Ashigara-shi  
Kanagawa, 250-01 (JP)

**Representative:**  
Hansen, Bernd, Dr.rer.nat.  
Hoffmann, Eitle & Partner  
Patentanwälte  
Postfach 81 04 20  
81904 München (DE)

**Respondent:**  
(Proprietor of the patent) KONICA CORPORATION  
26-2, Nishi-shinjuku 1-chome  
Shinjuku-ku  
Tokyo 160 (JP)

**Representative:**  
Wood, Anthony Charles  
Urquhart-Dykes & Lord  
91 Wimpole Street  
London W1M 8AH (GB)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 30 May 1994  
concerning maintenance of European patent  
No. 0 202 770 in amended form.

**Composition of the Board:**

**Chairman:** A. J. Nuss  
**Members:** R. K. Spangenberg  
R. E. Teschemacher

### Summary of Facts and Submissions

- I. In a decision posted 30 May 1994, the Opposition Division maintained the European patent No. 0 202 770 in amended form.
- II. On 28 July 1994 the Appellant (Opponent) appealed against this decision and paid the appropriate fee on the respective date. A statement of grounds of appeal was filed on 23 September 1994 in which the Appellant requested that the patent be revoked.
- III. In a letter dated 4 June 1996, the representative of the Respondent (proprietors of the patent) stated: "the proprietor no longer approves the text in which the patent was granted and an amended text will not be submitted".

### Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The Respondents made it clear through their representative that they no longer approve of the text in which the patent was granted. Since they are not prepared to submit an amended text on which further prosecution of the appeal could be based, the patent must be revoked (see decision T 73/84, OJ EPO 1985, 241).

Order

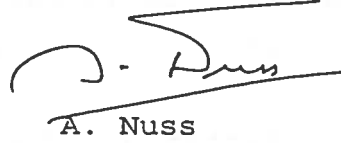
For these reasons it is decided that:

1. The decision of the Opposition Division is set aside.
2. The patent is revoked.

The Registrar:

  
E. Görgmaier

The Chairman:

  
A. Nuss