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D E C I S I O N
of 18 December 1997

Case Number: T 0452/95 - 3.3.3

Application Number: 89305135.9

Publication Number: 0343015

IPC: B05D 5/08

Language of the proceedings: EN

Title of invention:
Fluorine resin coated article

Applicant/Patentee:
SUMITOMO ELECTRIC INDUSTRIES, LTD.

Opponent:
E.I. Du Pont de Nemours & Company, Inc.

Headword:
-

Relevant legal provisions:
EPC Art. 111(1)

Keyword:
"Revocation of European patent in consequence of patentee's
withdrawal of his approval of the text of the patent"

Decisions cited:
-

Catchword:



Case Number: T 0452/95 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 18 December 1997

Appellant:
(Opponent)

E.I. Du Pont de Nemours & Company, Inc.
1007 Market Street
Wilmington, Delaware 19898 (US)

Representative:

Morf, Jan Stefan, Dr. Dipl.-Chem.
Patentanwälte Abitz und Partner
Postfach 86 01 09
D-81628 München (DE)

Respondent:
(Proprietor of the patent)

SUMITOMO ELECTRIC INDUSTRIES, LTD.
5-33, Kitahama 4-chome
Chuo-ku
Osaka-shi
Osaka 541 (JP)

Representative:

Pearce, Anthony Richmond
MARKS & CLERK
Alpha Tower
Suffolk Street Queensway
Birmingham B1 1TT (GB)

Decision under appeal:

Interlocutory decision of the Opposition Division
of the European Patent Office posted
29 March 1995 concerning maintenance of European
patent No. 0 343 015 in amended form.

Composition of the Board:

Chairman: C. R. J. Gérardin
Members: P. Kitzmantel
J. A. Stephens-Ofner

Summary of Facts and Submissions

- I. In a decision posted 29 March 1995 the Opposition Division maintained the European patent No. 0 343 015 in amended form.
- II. On 30 May 1995 the Appellant (Opponent) appealed against this decision and paid the appropriate fee on the same day. Statement of Grounds were filed on 1 August 1995 in which the Appellant requested that the patent be revoked.
- III. In a letter dated 21 November 1997 the representative of the Respondent (Proprietor of the patent) stated "the patentees hereby withdraw approval of the text of the patent."

Reasons for the Decision

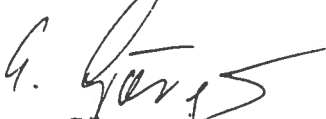
1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The Respondent made it clear through their representative that they no longer approve of the text in which the patent was granted. Since they did not submit an amended text on which further prosecution of the appeal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

Order

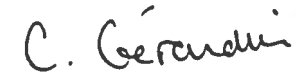
For these reasons it is decided that:

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

The Registrar:


E. Gorgmajer

The Chairman:


C. Gérardin