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D E C I S I O N
of 10 December 1996

Case Number: T 0444/96 - 3.2.4

Application Number: 89310746.6

Publication Number: 0367448

IPC: F01L 9/04

Language of the proceedings: EN

Title of invention:

Valve control system for internal combustion engine

Patentee:

ISUZU MOTORS LIMITED

Opponent:

FEV Motorentchnik GmbH & Co. KG

Headword:

Revocation at request of Proprietor

Relevant legal provisions:

EPC Art. 111(1)

Keyword:

-

Decisions cited:

T 0237/86

Catchword:

-



Case Number: T 0444/96 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 10 December 1996

Appellant:
(Opponent) FEV Motorentchnik GmbH & Co. KG
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DE - 52978 Aachen (DE)

Representative: Langmaack, Jürgen, Dipl. -Ing.
Patentanwälte
Maxton, Maxton, Langmaack
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Respondent:
(Proprietor of the patent) ISUZU MOTORS LIMITED
10-go, 22-ban, 6-chome, Minami-Ohi
Shinagawa-ku
JP - Tokyo 140 (JP)

Representative: Brunner, Michael John
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 19 March 1996
rejecting the opposition filed against European
patent No. 0 367 448 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: C. Andries
Members: M. Hatherly
J. -P. Seitz

Summary of Facts and Submissions

- I. An appeal was lodged by the appellant (opponent) against the opposition division's decision of 19 March 1996 rejecting the opposition against the European patent No. 0 367 448 (resulting from application No. 89 310 746.6).

The appellant requests that the decision be set aside and the patent revoked.

- II. In a letter dated 29 November 1996 the respondent (patentee) stated the following:

"We write to advise you that the patentee has decided not to maintain the patent and that, accordingly, the above patent should be revoked."

Reasons for the Decision

1. The appeal is admissible.
2. The patentee has made it clear in his letter of 29 November 1996 that he wishes his patent to be revoked. Both parties therefore request the revocation of the patent.

The board can therefore, in the exercise of its power under Article 111(1) EPC, decide to revoke the European patent (see decision T 0237/86, OJ EPO 1988, 261).

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The European patent No. 0 367 448 is revoked.

The Registrar:



N. Maslin

The Chairman:



C. Andries