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D E C I S I O N
of 3 August 1999

Case Number: T 0699/97 - 3.2.3
Application Number: 91905061.7
Publication Number: 0517764
IPC: B22F 3/04, B22F 3/12

Language of the proceedings: EN

Title of invention:
Method of manufacturing mouldings

Patentee:
Asea Brown Boveri AB

Opponent:
Crucible Materials Corporation

Headword:
-

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

Keyword:
"Revocation at the request of the proprietor"

Decisions cited:
T 0073/84, T 0186/84

Catchword:
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Boards of Appeal

Chambres de recours

Case Number: T 0699/97 - 3.2.3

D E C I S I O N
of the Technical Board of Appeal 3.2.3
of 3 August 1999

Appellant: Crucible Materials Corporation
(Opponent) P.O. Box 977
State Fair Boulevard
Syracuse
NY 13201-0977 (US)

Representative: Gerbaulet, Hannes
Patentanwälte
Richter, Werdermann & Gerbaulet
Neuer Wall 10
20354 Hamburg (DE)

Respondent: Asea Brown Boveri AB
(Proprietor of the patent) 721 83 Västerås (SE)

Representative: Boecker, Joachim, Dr.-Ing.
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65929 Frankfurt am Main (DE)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 14 May 1997
concerning maintenance of European patent
No. 0 517 764 in amended form.

Composition of the Board:

Chairman: C. T. Wilson
Members: F. E. Brösamle
M. K. S. Aúz Castro

Summary of Facts and Submissions

- I. In its decision dated 14 May 1997 the Opposition Division maintained the European patent No. 0 517 764 in amended form.

- II. The Appellants (Opponents) appealed against the decision of the Opposition Division on 25 June 1997, requesting that the patent be revoked. The appeal fee was paid on 25 June 1997 and the statement of grounds filed on 15 September 1997.

- III. In a letter dated 12 July 1999 the Respondents (proprietors of the patent) stated that they no longer approved of the text on the basis of which the patent was granted or upheld by the Opposition Division, respectively.

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.

2. The Respondent's statement in his letter dated 12 July 1999 that he no longer approves of the text in which the patent was granted or upheld by the Opposition Division, respectively, has to be construed as a statement requesting revocation of their European patent, (cf. decision T 186/94, 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. 0 517 764 is revoked.

The Registrar:

The Chairman:

N. Maslin

C. T. Wilson