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**D E C I S I O N**  
**of 12 November 1999**

**Case Number:** T 0749/99 - 3.2.3

**Application Number:** 91901160.1

**Publication Number:** 0502986

**IPC:** E01B 5/02, B21B 1/46, B22D 11/22

**Language of the proceedings:** EN

**Title of invention:**  
Continuous rail production

**Patentee:**  
CF&I Steel, L.P.

**Opponent:**  
Thyssen Stahl AG  
SMS Schloemann-Siemag AG

**Headword:**  
-

**Relevant legal provisions:**  
EPC Art. 111(1)

**Keyword:**  
"Revocation at the request of the proprietor"

**Decisions cited:**  
T 0186/84, T 0237/86

**Catchword:**  
-



Case Number: T 0749/99 - 3.2.3

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.3**  
**of 12 November 1999**

**Appellant 01:**  
(Opponent 01)

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**Representative:**

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**Appellant 02:**  
(Opponent 02)

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**Representative:**

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Patentanwälte  
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**Respondent:**  
(Proprietor of the patent)

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**Representative:**

Lucas, Brian Ronald  
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**Decision under appeal:** Decision of the Opposition Division of the European Patent Office posted 12 July 1999 rejecting the opposition filed against European patent No. 0 502 986 pursuant to Article 102(2) EPC.

**Composition of the Board:**

**Chairman:** C. T. Wilson  
**Members:** J. B. F. Kollar  
J. P. B. Seitz

## **Summary of Facts and Submissions**

- I. In its decision dated 12 July 1999 the Opposition Division rejected the opposition against the European patent No. 0 502 986.
- II. The appellants (opponents) appealed against the decision of the Opposition Division on 17 July 1999 and 20 August 1999, requesting that the patent be revoked. The appeal fees were paid on the same days.
- III. In a letter dated 11 October 1999 the representative of the respondent (proprietor of the patent) stated "The patentee has advised us that it does not wish to pursue this patent. Accordingly, the patentee hereby formally disapproves of the text of the patent and will not be submitting an amended text".

## **Reasons for the Decision**

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The respondent has made clear in the letter dated 11 October 1999 that he wishes his patent to be revoked. The Board can therefore in exercise of its power under Article 111(1) EPC decide to revoke the European Patent (cf. decision T 186/84; OJ EPO 1986, 79 and T 237/86; 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. 0 502 986 is revoked.

The Registrar:

The Chairman:

N. Maslin

C. T. Wilson