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**Datasheet for the decision
of 7 December 2022**

Case Number: T 0562/19 - 3.3.06

Application Number: 11807929.2

Publication Number: 2661522

IPC: D21H13/26, D21H15/06, D21H15/08

Language of the proceedings: EN

Title of invention:
PAPER COMPRISING MICROFILAMENTS

Patent Proprietor:
Teijin Aramid B.V.

Opponent:
E. I. du Pont de Nemours and Company

Headword:
PAPER COMPRISING MICROFILAMENTS/Teijin Aramid

Relevant legal provisions:
EPC Art. 113(2)

Keyword:
Basis of decision - text or agreement to text withdrawn by
patent proprietor - patent revoked

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
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Case Number: T 0562/19 - 3.3.06

D E C I S I O N
of Technical Board of Appeal 3.3.06
of 7 December 2022

Appellant: E. I. du Pont de Nemours and Company
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Representative: Heimann, Anette
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
21 December 2018 concerning maintenance of the
European Patent No. 2661522 in amended form.**

Composition of the Board:

Chairman J.-M. Schwaller
Members: P. Ammendola
R. Cramer

Summary of Facts and Submissions

- I. The appeal by the opponent is from the interlocutory decision of the opposition division maintaining European patent No. 2 661 522 in amended form according to the main request filed during oral proceedings.

With the statement of grounds of appeal the appellant requested revocation of the patent.

- II. At the end of the oral proceedings held before the board on 7 December 2022, the patent proprietor (and respondent) withdrew all the pending requests - i.e. the main, first and second auxiliary request filed with the reply to the statement of grounds of appeal, and the third auxiliary request submitted during the hearing, and it stated that it did no longer approve the text of the patent in any form. The appellant maintained the request that the decision under appeal be set aside and the patent be revoked.

Reasons for the Decision

1. According to Article 113(2) EPC, the EPO shall decide on European patents only in the text submitted to it or agreed upon by the patent proprietor. Since in the present case the patent proprietor withdrew all pending requests and expressly declared disapproval of any text for maintenance of the patent, there is no version of the patent on which the board could base the assessment of the appeal.
2. In these circumstances, the proceedings must be terminated with a decision ordering the revocation of the patent without addressing the substantial arguments

(Case Law of the Boards of Appeal, 10th edition, 2022,
IV.D.2) .

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:

The Chairman:



A. Pinna

J.-M. Schwaller

Decision electronically authenticated