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**Datasheet for the decision  
of 19 June 2023**

**Case Number:** T 0590/19 - 3.2.06

**Application Number:** 10251606.9

**Publication Number:** 2372088

**IPC:** F01D5/14, F01D5/34

**Language of the proceedings:** EN

**Title of invention:**

Turbofan flow path trenches

**Patent Proprietor:**

Raytheon Technologies Corporation

**Opponent:**

Safran Aircraft Engines

**Headword:**

**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Basis of decision - text or agreement to text withdrawn by  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**

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**Case Number: T 0590/19 - 3.2.06**

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.06**  
**of 19 June 2023**

**Appellant:** Raytheon Technologies Corporation  
(Patent Proprietor) 10 Farm Springs Road  
Farmington, CT 06032 (US)

**Representative:** Dehns  
St. Bride's House  
10 Salisbury Square  
London EC4Y 8JD (GB)

**Appellant:** Safran Aircraft Engines  
(Opponent) 2 boulevard du Général Martial Valin  
75015 Paris (FR)

**Representative:** Regimbeau  
20, rue de Chazelles  
75847 Paris Cedex 17 (FR)

**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
14 December 2018 concerning maintenance of the  
European Patent No. 2372088 in amended form.**

**Composition of the Board:**

**Chairman** M. Hannam  
**Members:** P. Cipriano  
J. Hoppe

## **Summary of Facts and Submissions**

- I. An appeal was filed by each of the opponent and the patent proprietor against the interlocutory decision of the opposition division, in which it found the patent in an amended form to meet the requirements of the EPC.
- II. In preparation for oral proceedings, the Board issued a communication containing its provisional opinion concerning the requests then on file.
- III. With letter of 6 June 2023 the patent proprietor stated that it withdrew all its requests filed with respect to the above appeal and disapproved any text for the maintenance of the patent. Accordingly, it requested that the patent be revoked.
- IV. With letter of 8 June 2023 the opponent requested that the decision under appeal be set aside and the patent be revoked and withdrew its request for reimbursement of the appeal fee.
- V. The scheduled oral proceedings were subsequently cancelled.

## **Reasons for the Decision**

1. According to Article 113(2) EPC the European Patent Office shall decide upon the European patent only in the text submitted to it, or agreed, by the proprietor of the patent.

Such an agreement cannot be deemed to exist where - as in the present case - the patent proprietor expressly states that it disapproves any text for the maintenance of the patent.

2. There is therefore no text of the patent on the basis of which the Board can consider the appeal. In these circumstances, the proceedings are to be terminated by a decision ordering revocation of the patent, without examination as to patentability (Case Law of the Boards of Appeal of the European Patent Office, 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:



C. Spira

M. Hannam

Decision electronically authenticated