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**Datasheet for the decision
of 9 February 2023**

Case Number: T 0300/20 - 3.3.06

Application Number: 10814166.4

Publication Number: 2473275

IPC: B01J27/128, B01J27/122,
B01J37/02, C07C17/354,
C07C19/08

Language of the proceedings: EN

Title of invention:
Catalysts for fluoroolefins hydrogenation

Patent Proprietor:
Honeywell International Inc.

Opponent:
ARKEMA FRANCE

Headword:
Fluoroolefins hydrogenation/HONEYWELL

Relevant legal provisions:
EPC Art. 113(2)

Keyword:
Basis of decision - all requests and agreement to text of the
patent withdrawn by patent proprietor

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0300/20 - 3.3.06

D E C I S I O N
of Technical Board of Appeal 3.3.06
of 9 February 2023

Appellant: ARKEMA FRANCE
(Opponent) Département Propriété Industrielle
420, rue d'Estienne d'Orves
92700 Colombes (FR)

Representative: Arkema Patent
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Respondent: Honeywell International Inc.
(Patent Proprietor) 115 Tabor Road
Morris Plains, NJ 07950 (US)

Representative: Crooks, Elizabeth Caroline
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London WC1X 8NL (GB)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
28 November 2019 concerning maintenance of the
European Patent No. 2473275 in amended form.**

Composition of the Board:

Chairman J.-M. Schwaller
Members: L. Li Voti
J. Hoppe

Summary of Facts and Submissions

- I. The opponent's appeal is against the decision of the opposition division to maintain European patent no. 2 473 275 in amended form.
- II. In its statement of grounds and at the oral proceedings before the board the appellant requested that the decision under appeal be set aside and the patent be revoked.
- III. In its reply to the statement of grounds the respondent and patent proprietor requested to dismiss the appeal and to maintain the patent on the basis of one of the sets of claims submitted with said reply as main and first to seventh auxiliary requests.
- IV. During the oral proceedings held before the board the respondent withdrew all pending claim requests, and declared its disapproval of any text for maintenance of the patent.

Reasons for the Decision

1. Article 113(2) EPC requires that the European Patent Office decides upon the European patent only in the text submitted to it, or agreed by the proprietor of the patent.
2. Since in the present case the proprietor withdrew all pending claim requests during the oral proceedings before the board and declared its disapproval of any text for maintenance of the patent, there is no text of the patent which can be deemed to be approved by the patent proprietor.

3. In such a situation, it is established case law of the boards of appeal that the proceedings are to be terminated by a decision ordering revocation of the patent, without going into the substantive issues (see Case Law of the Boards of Appeal of the EPO, 10th edition, 2022, IV.D.2, third full paragraph, page 1265).

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