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**Datasheet for the decision
of 2 May 2023**

Case Number: T 0182/22 - 3.2.08

Application Number: 17183481.5

Publication Number: 3260079

IPC: A61C8/00, B25B15/00, F16B23/00

Language of the proceedings: EN

Title of invention:
SCREWDRIVER FOR DENTAL IMPLANTOLOGY

Patent Proprietor:
Talladium España, S.L.

Opponents:
Straumann Holding AG
Universal Ball Head, S.L.

Relevant legal provisions:
EPC Art. 101, 113(2)

Keyword:
Basis of decision - revocation of the patent at request of the patent proprietor



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0182/22 - 3.2.08

D E C I S I O N
of Technical Board of Appeal 3.2.08
of 2 May 2023

Appellant: Straumann Holding AG
(Opponent 1) Peter Merian-Weg 12
4052 Basel (CH)

Representative: Flügel Preissner Schober Seidel
Patentanwälte PartG mbB
Nymphenburger Straße 20
80335 München (DE)

Respondent: Talladium España, S.L.
(Patent Proprietor) Virginia Woolf, 17
25005 Lleida (ES)

Representative: Patentanwälte
Ruff, Wilhelm, Beier, Dauster & Partner mbB
Kronenstraße 30
70174 Stuttgart (DE)

Party as of right: Universal Ball Head, S.L.
(Opponent 2) Garrigues 17
25001 Lleida (ES)

Representative: Clarke Modet & Co.
C/ Suero de Quiñones 34-36
28002 Madrid (ES)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 18 November
2021 rejecting the opposition filed against
European patent No. 3260079 pursuant to Article
101(2) EPC.**

Composition of the Board:

Chairwoman	P. Acton
Members:	G. Buchmann
	F. Bostedt

Summary of Facts and Submissions

- I. With the decision posted on 18 November 2021 the opposition division decided to reject the opposition against European patent No. EP 3 260 079.
- II. The opponent filed an appeal against that decision.
- III. The appellant (opponent) requested that the decision under appeal be set aside and that the patent be revoked.
- IV. In its letter dated 28 April 2023, the respondent (patent proprietor) requested revocation of the patent.

Reasons for the Decision

1. Pursuant to Article 113(2) EPC, the EPO shall examine, and decide upon, the European patent only in the text submitted to it, or agreed, by the patent proprietor of the patent.
2. Such an agreement cannot be deemed to exist where the patent proprietor no longer approves the text of the patent as granted and withdraws all pending requests. The Board understands the respondent's request that the patent be revoked to be an equivalent to a declaration that it no longer approves the text of the patent as granted and withdraws all pending claim requests (cf. T 186/84, Reasons 3, last sentence).

3. 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 (Article 101 EPC), without examination as to patentability (see 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 Chairwoman:



C. Moser

P. Acton

Decision electronically authenticated