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**Datasheet for the decision
of 7 June 2024**

Case Number: T 0339/22 - 3.2.04

Application Number: 17168737.9

Publication Number: 3239459

IPC: F01D5/14, F01D9/04

Language of the proceedings: EN

Title of invention:

EFFICIENT LOW PRESSURE RATIO PROPULSOR STAGE FOR GAS TURBINE
ENGINES

Patent Proprietor:

RTX Corporation

Opponent:

Safran Aircraft Engi

Headword:

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

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

Decisions cited:

Catchword:



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Case Number: T 0339/22 - 3.2.04

D E C I S I O N
of Technical Board of Appeal 3.2.04
of 7 June 2024

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

Representative: Cabinet Beau de Loménie
158, rue de l'Université
75340 Paris Cedex 07 (FR)

Respondent: RTX Corporation
(Patent Proprietor) 10 Farm Springs Road
Farmington, CT 06032 (US)

Representative: Dehns
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
7 December 2021 concerning maintenance of the
European Patent No. 3239459 in amended form.**

Composition of the Board:

Chairman A. de Vries
Members: S. Hillebrand
T. Bokor

Summary of Facts and Submissions

- I. The appeal was filed by the opponent (appellant) against the interlocutory decision of the opposition division finding that, on the basis of the main request (then on file), the patent in suit met the requirements of the EPC.
- II. In preparation for oral proceedings the board issued a communication setting out its provisional opinion.
- III. With letter of 28 May 2024, the respondent proprietor declared that it no longer approved the text of the patent as granted, withdrew all pending claim requests, and requested revocation of the patent.
- IV. Thereupon the Board cancelled the oral proceedings.

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.
2. Such an agreement cannot be deemed to exist where - as in the present case - the patent proprietor expressly states that it no longer approves the text of the patent as granted and withdraws all pending requests.
3. There is therefore no text of the patent on the basis of which the Board can maintain the patent. In these circumstances, the proceedings are to be terminated by a decision ordering revocation of the patent, without examination as to patentability (see CLBA, 10th edition 2022, IV.D.2 and the decisions there cited).

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:



G. Magouliotis

A. de Vries

Decision electronically authenticated