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**Datasheet for the decision
of 15 March 2024**

Case Number: T 1254/22 - 3.5.05

Application Number: 12004150.4

Publication Number: 2496040

IPC: H04W76/19

Language of the proceedings: EN

Title of invention:

Methods for synchronizing PDCP operations after PRC connection re-establishment in a wireless communication system and related apparatuses thereof

Patent Proprietor:

HTC Corporation

Opponent:

Nokia Solutions and Networks Oy

Headword:

Revocation requested by proprietor/HTC

Relevant legal provisions:

EPC Art. 113(2), 116(1)

RPBA 2020 Art. 12(8)

Keyword:

Revocation of the patent - (yes): requested by the proprietor
and no claims on file

Decision in written proceedings - (yes): oral proceedings not
expedient

Decisions cited:

T 0677/90



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Case Number: T 1254/22 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 15 March 2024

Appellant: Nokia Solutions and Networks Oy
(Opponent) Karakaari 7
02610 Espoo (FI)

Representative: Brachmann, Roland W.
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Respondent: HTC Corporation
(Patent Proprietor) No. 23, Xinghua Road
Taoyuan District
Taoyuan City 330 (TW)

Representative: Wagner & Geyer
Partnerschaft mbB
Patent- und Rechtsanwälte
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80538 München (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
8 April 2022 concerning maintenance of the
European Patent No. 2496040 in amended form.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: J. Eraso Helguera
R. Romandini

Summary of Facts and Submissions

- I. The opponent (appellant) filed an appeal against the decision of the opposition division maintaining the patent in amended form in accordance with an "Eleventh Auxiliary Request".
- II. The parties made the following requests:
 - The appellant requested that the decision under appeal be set aside and that the patent be revoked.
 - The proprietor (respondent) requested, as a main request, that the appeal be dismissed - i.e. that the patent be maintained in amended form in accordance with the **"Eleventh Auxiliary Request"** - or, in the alternative, that the patent be maintained in amended form on the basis of the claims of a **"Twelfth Auxiliary Request"**, filed during the second opposition proceedings.
- III. In a communication pursuant to Article 15(1) RPBA, the board provided its (negative) preliminary opinion on both claim requests under Article 56 EPC.
- IV. In response to that communication, the respondent withdrew both claim requests and its request for oral proceedings. It further requested that the patent be revoked.
- V. The board then cancelled the arranged oral proceedings.

Reasons for the Decision

1. The respondent withdrew all the claim requests present in these appeal proceedings and explicitly requested the revocation of the opposed patent.
2. It follows that there is no text agreed by the proprietor of the patent upon which the board could decide (cf. Article 113(2) EPC and T 677/90). Against this background, the patent is to be revoked.
3. In view of the above, the board does not consider holding oral proceedings to be expedient in this case (cf. Article 116(1) EPC). Thus, the board cancelled them and handed down the requested decision in written proceedings (cf. Article 12(8) RPBA).

Order

For these reasons it is decided that:

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

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated