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**Datasheet for the decision  
of 4 October 2024**

**Case Number:** T 0696/23 - 3.3.05

**Application Number:** 13766197.1

**Publication Number:** 2897923

**IPC:** C04B41/85, A61K6/818

**Language of the proceedings:** EN

**Title of invention:**  
COLORING OF ZIRCONIA CERAMICS

**Patent Proprietor:**  
Solventum Intellectual Properties Company

**Opponent:**  
Ivoclar Vivadent AG

**Headword:**  
COLORING OF ZIRCONIA CERAMICS/Solventum

**Relevant legal provisions:**  
EPC Art. 101, 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Basis of decision - text or agreement to text withdrawn by  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**

Boards of Appeal of the  
European Patent Office  
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Case Number: T 0696/23 - 3.3.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.05**  
**of 4 October 2024**

**Appellant:**

(Opponent)

Ivoclar Vivadent AG  
Bendererstrasse 2  
9494 Schaan (LI)

**Representative:**

Uexküll & Stolberg  
Partnerschaft von  
Patent- und Rechtsanwälten mbB  
Beselerstraße 4  
22607 Hamburg (DE)

**Respondent:**

(Patent Proprietor)

Solventum Intellectual Properties Company  
3M Center, 275-6E-21  
2510 Conway Ave E  
Maplewood, MN 55144 (US)

**Representative:**

Brem, Roland  
Solventum Germany GmbH  
Legal Affairs  
ESPE Platz  
82229 Seefeld (DE)

**Decision under appeal:**

**Decision of the Opposition Division of the  
European Patent Office posted on 3 February 2023  
rejecting the opposition filed against European  
patent No. 2897923 pursuant to Article 101(2)  
EPC.**

**Composition of the Board:**

<b>Chairman</b>	P. Guntz
<b>Members:</b>	J. Roider
	S. Besselmann

## **Summary of Facts and Submissions**

- I. The appeal by the opponent lies from the decision of the opposition division to reject the opposition against European Patent EP 2 897 923 B1.
- II. By letter of 10 September 2024, the respondent (patent proprietor) withdrew all requests currently on file and disapproved the text for grant.

The oral proceedings were subsequently cancelled.

## **Reasons for the Decision**

1. Under Article 113(2) EPC, the European Patent Office may consider and decide upon the European patent only in the text submitted to it, or agreed, by the proprietor of the patent.
2. The respondent, by disapproving the text of the patent as granted and withdrawing all requests currently on file, withdrew its approval of any text for maintenance of the patent.  
The text of the patent is at the disposition of the patent proprietor. However, there is no text of the patent on the basis of which the board can consider the present appeal.
3. Where there is no text of the patent on the basis of which the board can consider the present appeal, the patent can only be revoked as envisaged in Article 101 EPC (Case Law of the Boards of Appeal of the EPO, 10th edition 2022, III.B.3.3).

## 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:



C. Vodz

P. Guntz

Decision electronically authenticated