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**Datasheet for the decision  
of 16 October 2025**

**Case Number:** T 1784/23 - 3.3.02

**Application Number:** 17701154.1

**Publication Number:** 3416953

**IPC:** C07D251/60, C07C273/12

**Language of the proceedings:** EN

**Title of invention:**

METHOD FOR REVAMPING A HIGH PRESSURE MELAMINE PLANT

**Patent Proprietor:**

Casale SA

**Opponent:**

Proman AG

**Relevant legal provisions:**

EPC Art. 113(2)

**Keyword:**

Basis of decision - text or agreement to text withdrawn by  
patent proprietor - patent revoked

**Decisions cited:**

T 0073/84



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 1784/23 - 3.3.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.02**  
**of 16 October 2025**

**Appellant:** Proman AG  
(Opponent) Samstagerstrasse 41  
8832 Wollerau Schwyz (CH)

**Representative:** Bird & Bird Società tra Avvocati S.r.l.  
Via Porlezza, 12  
20123 Milano (IT)

**Respondent:** Casale SA  
(Patent Proprietor) Via Giulio Pocobelli, 6  
6900 Lugano (CH)

**Representative:** M. Zardi & Co S.A.  
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**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 31 July 2023  
rejecting the opposition filed against European  
patent No. 3416953 pursuant to  
Article 101(2) EPC.**

**Composition of the Board:**

**Chairman** M. O. Müller  
**Members:** A. Lenzen  
M. Millet

## **Summary of Facts and Submissions**

- I. The opponent lodged an appeal against the opposition division's decision (decision under appeal) to reject the opposition against European patent No. 3 416 953 (patent).
- II. In preparation for the oral proceedings, which had been arranged at the parties' requests, the board issued a communication under Article 15(1) RPBA.
- III. Oral proceedings before the board were held by videoconference on 16 October 2025 in the presence of both the patent proprietor and the opponent.

During the oral proceedings, the patent proprietor withdrew its consent and agreement under Article 113(2) EPC to the text of the patent as granted and withdrew all of the auxiliary claim requests on file.

At the end of the oral proceedings, the chair announced the order contained in the present decision.

## **Reasons for the Decision**

1. According to the principle of party disposition established by 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 proprietor of the patent.
2. In the present case, the patent proprietor has withdrawn its consent to maintaining the patent as granted. Since it has also withdrawn all of the

auxiliary claim requests on file, there are no longer any amended versions of the patent on the basis of which the board could examine whether the requirements of the EPC have been met.

3. According to the established case law of the boards of appeal since decision T 73/84 (OJ EPO 1985, 241), in such circumstances the patent must be revoked without further examination.

## 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:



U. Bultmann

M. O. Müller

Decision electronically authenticated