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**Datasheet for the decision
of 10 June 2026**

Case Number: T 1924/23 - 3.5.01

Application Number: 19165631.3

Publication Number: 3546411

IPC: B66B5/00

Language of the proceedings: EN

Title of invention:

AUTOMATED ELEVATOR MAINTENANCE MODE INITIATION

Patent Proprietor:

Otis Elevator Company

Opponent:

INVENTIO AG

Headword:

Automated elevator maintenance mode initiation/OTIS ELEVATOR
COMPANY

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Basis of decision - text or agreement to text withdrawn by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



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
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Case Number: T 1924/23 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 10 June 2026

Appellant: INVENTIO AG
(Opponent) Seestrasse 55
6052 Hergiswil (CH)

Representative: Peterreins Schley
Patent- und Rechtsanwälte PartG mbB
Hermann-Sack-Straße 3
80331 München (DE)

Respondent: Otis Elevator Company
(Patent Proprietor) One Carrier Place
Farmington, Connecticut 06032 (US)

Representative: Schmitt-Nilson Schraud Waibel Wohlfrom
Patentanwälte Partnerschaft mbB
Pelkovenstraße 143
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted/
electronically transmitted on 26 September 2023
concerning maintenance of the European Patent
No. 3546411 in amended form.**

Composition of the Board:

Chairman M. Höhn
Members: I. Kürten
E. Mille

Summary of Facts and Submissions

I. The opponent filed an appeal against the interlocutory decision of the opposition division maintaining the patent in amended form on the basis of auxiliary request 2.

II. The parties were summoned to oral proceedings before the Board. In a communication pursuant to Article 15(1) RPBA, the Board set out its provisional opinion.

III. By letter dated 12 May 2026, the patent proprietor's representative submitted the following statement:

"In the name and on behalf of the proprietor we herewith withdraw the request for oral proceedings. Further, the proprietor herewith withdraws its approval of the text of the claims of the above mentioned European patent EP 3 546 411 (opposed patent) found acceptable by the Opposition Division and of all further requests which were submitted in the course of the appeal proceedings.

We request that the opposed patent be revoked."

IV. The oral proceedings were subsequently cancelled.

Reasons for the Decision

1. Under 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 - as in the present case - the patent proprietor expressly states that it no longer approves the text of the patent as granted or as maintained, withdraws all pending requests and requests the revocation of the patent.

3. There is therefore no text of the patent on the basis of which the Board can consider the appeal. Under these circumstances, the proceedings are to be terminated by a decision ordering revocation of the patent, without examination as to patentability (see Case Law of the Boards of Appeal of the European Patent Office, 11th edition 2025, 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 Chairman:



T. Buschek

M. Höhn

Decision electronically authenticated