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**Datasheet for the decision
of 17 October 2025**

Case Number: T 1940/23 - 3.3.10

Application Number: 17170975.1

Publication Number: 3269698

IPC: C07C17/357, C07C21/18,
C07C17/354, C07C19/08

Language of the proceedings: EN

Title of invention:

PROCESS FOR THE MANUFACTURE OF FLUORINATED OLEFINS

Patent Proprietor:

Honeywell International Inc.

Opponent:

ARKEMA FRANCE

Headword:

Relevant legal provisions:

EPC Art. 56

RPBA 2020 Art. 13(1)

Keyword:

Inventive step - main request and auxiliary requests 1 to 11
(no)

Late-filed auxiliary requests 12 to 31 - admitted (no)

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

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Case Number: T 1940/23 - 3.3.10

D E C I S I O N
of Technical Board of Appeal 3.3.10
of 17 October 2025

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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
28 September 2023 concerning maintenance of the
European Patent No. 3269698 in amended form.**

Composition of the Board:

Chairwoman R. Pérez Carlón
Members: A. Zellner
T. Bokor

Summary of Facts and Submissions

- I. The opponent lodged an appeal against the decision of the opposition division to maintain the European patent No. 3 269 698 in amended form (Article 101(3) (a) EPC).
- II. An opposition was filed on the basis of Article 100(a) EPC for lack of novelty and lack of inventive step (Articles 54 and 56 EPC), and of Article 100(b) EPC.
- III. During the opposition proceedings, the patent proprietor defended its patent in amended form. The opposition division concluded that the amendments in the main request were allowable. The right to priority had been validly claimed as a skilled reader would have understood in view of the chemistry involved that the priority document related to 3,3,3-trifluoropropene and not to 3,3,3-trifluoropropyne. D1 was thus state of the art only under Article 54(3) EPC. The claimed invention was sufficiently disclosed for it to be carried out by a skilled person. The patent taught that 3,3,3-trifluoropropene was not formed in the claimed method if compound (I) was separated. This could have been achieved by a skilled person even in the absence of a specific example. The prior art did not disclose a process leading to a final product containing less than 20 ppm 3,3,3-trifluoropropene, and the claimed method was thus novel over the methods disclosed in D1, D2, D3 and D14 for this reason alone. The claimed method was also based on an inventive step considering either of documents D3 or D6 as closest prior art.
- IV. According to the appellant, the opposition division erred in their decision when acknowledging that the

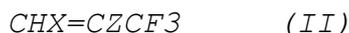
claimed priority was valid, that the claimed subject-matter was novel in view of the disclosure of documents D1, D3, D5 and D14, that it was based on an inventive step, and that the claimed invention was sufficiently disclosed.

V. The following documents are referred to:

D1: WO 2011/053449 A1
D2: EP 2 149 543 A1
D3: WO 2008/030440 A2
D4: WO 2009/093047 A2
D5: WO 2011/010025 A1
D6: WO 2009/138764 A1
D14: EP 2 281 792 A1
D16: WO 2010/056695 A2

VI. Claim 1 of the **main request** (patent as maintained by the opposition division) reads as follows:

"A method of converting a first reaction stream comprising at least one pentafluoropropene to a final product stream comprising at least one compound of formula (II):



wherein X and Z are each independently H or F, with the proviso that X and Z are not the same, comprising processing said first reaction stream under conditions effective to convert said at least one pentafluoropropene to at least one compound of formula (II);

wherein said conditions are effective to substantially limit the concentration of 3,3,3-trifluoropropene formed in said final product stream to less than 20 parts per million; and

wherein said processing step comprises:

(a) reacting said at least one pentafluoropropene to obtain a first product stream comprising at least one pentafluoropropane and at least one compound of formula (I):



wherein X and Z are each independently H or F, with the proviso that X and Z are not the same;

(b) separating said at least one compound of formula (I) from said first product stream to obtain a separated product stream and a second reaction stream, wherein said separated product stream comprises a higher weight percent of said at least one compound of formula (I) than said second reaction stream; and
(c) reacting said second reaction stream under conditions effective to produce said at least one compound of formula (II)."

VII. Claim 1 of **auxiliary requests 1 and 2** is identical to claim 1 of the main request.

Claim 1 of **auxiliary requests 3 to 5** differs from claim 1 of the main request in that it contains the following additional features:

"... wherein the pentafluoropropene is $\text{CF}_3\text{CF}=\text{CHF}$ (HFO-1225ye), the pentafluoropropane is $\text{CF}_3\text{CHFCH}_2\text{F}$ (HFC-245eb) and the compound of formula (II) is 2,3,3,3-tetrafluoropropene (HFO-1234yf)."

Claim 1 of **auxiliary requests 6 to 8** differs from claim 1 of the main request in that it contains the following additional features:

"... wherein step (b) comprises removing at least 50%

of said at least one compound of formula (I) from said first product stream."

Claim 1 of **auxiliary requests 9 to 11** differs from claim 1 of the main request in that it contains the additional features of claim 1 of auxiliary requests 3 and 6.

Claim 1 of **auxiliary requests 12 to 14** differs from claim 1 of the main request in that it contains the following additional features:

"... wherein step (a) comprises catalytically hydrogenating the pentafluoropropene, and wherein step (c) is a dehydrofluorination comprising reacting the second intermediate stream with a strong caustic solution or in the presence of a dehydrofluorination catalyst."

Claim 1 of **auxiliary requests 15 to 17** differs from claim 1 of the main request in that it contains the additional features of claim 1 of auxiliary requests 3 and 12.

Claim 1 of **auxiliary requests 18 to 20** differs from claim 1 of the main request in that it contains the following additional features:

"... wherein step (a) comprises catalytically hydrogenating the pentafluoropropene, wherein step (b) comprises removing at least 50% of said at least one compound of formula (I) from said first product stream, and wherein step (c) is a dehydrofluorination comprising reacting the second intermediate stream with a strong caustic solution or in the presence of a

dehydrofluorination catalyst."

Claim 1 of **auxiliary requests 21 to 23** differs from claim 1 of the main request in that it contains the additional features of claim 1 of auxiliary requests 3 and 18.

Claim 1 of **auxiliary requests 24 and 25** differs from claim 1 of the main request in that it contains the following additional features:

"... wherein step (a) comprises catalytically hydrogenating the pentafluoropropene, and wherein step (c) is a dehydrofluorination comprising reacting the second intermediate stream in the presence of a dehydrofluorination catalyst."

Claim 1 of **auxiliary requests 26 and 27** differs from claim 1 of the main request in that it contains the additional features of claim 1 of auxiliary requests 3 and 24.

Claim 1 of **auxiliary requests 28 and 29** differs from claim 1 of the main request in that it contains the following additional features:

"... wherein step (a) comprises catalytically hydrogenating the pentafluoropropene, wherein step (b) comprises removing at least 50% of said at least one compound of formula (I) from said first product stream, and wherein step (c) is a dehydrofluorination comprising reacting the second intermediate stream in the presence of a dehydrofluorination catalyst."

Claim 1 of **auxiliary requests 30 and 31** differs from

claim 1 of the main request in that it contains the additional features of claim 1 of auxiliary requests 3 and 28.

VIII. The board issued a communication with its preliminary opinion on the legal and factual issues of the case.

IX. Oral proceedings were held on 17 October 2025. At the end of the proceedings, the decision was announced.

X. The appellant's arguments can be summarised as follows:

The method according to claim 1 of the main request is not novel in view of the disclosure of documents D1, D3, D5 and D14, and is not based on an inventive step considering the disclosure of either of documents D3 or D6, as well as D1, D2, D5 or D14 as closest prior art. The technical problem to be solved is the provision of a mere alternative method for the production of a compound of formula (II), and the solution provided is obvious in view of the prior art. The claimed subject-matter is furthermore not disclosed in a manner sufficiently clear and complete for it to be carried out by the person skilled in the art. The same applies for the auxiliary requests. Furthermore, auxiliary requests 12 to 31 were late filed and should not be admitted into the appeal proceedings.

XI. The respondent's arguments, as far as they are relevant for the present decision, can be summarised as follows:

The method according to claim 1 of the main request is based on an inventive step. Document D3 can be considered to be the closest prior art. The differences between the claimed method and the method disclosed therein lead to an improved preparation of a compound

of formula (II), due to less yield loss for the target compound. The prior art does not provide the skilled person with an incentive to adapt the method disclosed in D3 by the addition of an additional intermediate separation step. The claimed solution was thus inventive.

XII. The appellant (opponent) requested that the decision of the opposition division be set aside and that the patent be revoked. On procedure, they request that the auxiliary requests 12 to 31 not be admitted into the proceedings.

XIII. The respondent (patent proprietor) requested to dismiss the appeal and thus to maintain the patent as maintained by the opposition division. As an auxiliary measure, they request to maintain the patent with the claims filed as auxiliary requests 1 to 11, corresponding to the auxiliary requests before the opposition division, or with the claims filed as auxiliary requests 12 to 31, filed on 14 July 2025. On procedure, they request not to admit document D16, the inventive step attacks starting from any of documents D1, D2 or D5, and the attack of the lacking entitlement to the claimed priority.

Reasons for the Decision

1. The appeal is admissible.

Main request (patent as maintained by the opposition division)

Inventive step (Article 54 EPC)

2. The opposition division held that the method of claim 1 of the main request was based on an inventive step.

According to the opposition division, either of documents D3 or D6 was the closest prior art. The method according to claim 1 of the main request differed from the methods disclosed in these documents by the required concentration of 3,3,3-trifluoropropene in the final product stream, *i.e.* less than 20 parts per million. The problem underlying the claimed invention was to provide an improved method which avoided purification difficulties. The claimed solution, characterised by a final product stream with a low 3,3,3-trifluoropropene content would not have been obvious to a skilled person.

3. The appellant argued that the claimed method lacked inventive step starting from any of documents D3 and D6, as well as D1, D14 and D2 as closest prior art. With respect to D3, in particular the general teaching thereof, the appellant argued that separation of the by-product HFC-254eb from the main product obtained after the first step of the claimed method, *i.e.* HFC-245eb, was not a distinguishing feature. Since no technical effect has been shown for the concentration of 3,3,3-trifluoropropene (HFO-1243zf) in the final product stream, the technical problem could only be seen as to provide an alternative method for the preparation of a compound of formula (II). The claimed method was obvious, because document D3 itself disclosed that HFC-254eb should be removed from the intermediate effluent stream in order to avoid the formation of 3,3,3-trifluoropropene (HFO-1243zf) in the final product stream.

4. According to the respondent, the claimed method differed from the method disclosed in document D3, in particular example 3 thereof, in that a step (b) is added and in the concentration of compound 3,3,3-

trifluoropropene (HFO-1243zf) in the final product stream. The difference led to an improved process having less yield loss of the target compound of formula (II), as indicated in particular in paragraph [0008] of the patent in dispute. The prior art did not suggest to separate a compound of formula (I), e.g. HFC-254eb from the effluent stream obtained after the first step of the claimed method. The skilled person would rather improve the method by purifying the final product, as suggested by D3. An additional purification step between steps (a) and (c) of D3 would require significant additional investments in the plant, and the skilled person would thus not include such a step. Even if the technical problem was only the provision of an alternative method to D3, the skilled person would not find an incentive to modify the process disclosed therein according to the claimed method. Inventive step was thus to be acknowledged.

5. The board comes to the following conclusions:

The patent in dispute

6. The patent relates to a method of preparing fluorinated organic compounds, in particular fluorinated olefins, such as 2,3,3,3-tetrafluoropropene (HFO-1234yf) or 1,3,3,3-tetrafluoropropene (HFO-1234ze). It mentions the problems of collapse of catalyst structure and the formation of undesired by-products when certain fluorinated alkanes and alkenes were used as starting materials (see paragraphs [0001], [0002], [0005], [0008] and [0009]). In order to address these problems, a method according to claim 1 is provided, wherein a stream containing a pentafluoropropene is converted into a feed containing a compound (II) having less than

20 ppm of 3,3,3-trifluoropropene (HFO-1243zf), the method comprising

- (a) reacting a pentafluoropropene to obtain a stream comprising a pentafluoropropane, such as HFC-245eb, and a tetrafluoropropane of formula (I), such as HFC-254eb,
- (b) separating compound (I) from the stream,
- (c) reacting the stream containing less of compound (I) to form compound (II).

Step (a) is a hydrogenation, step (c) is a dehydrofluorination.

Closest prior art

7. Both parties concur with the opposition division that document D3 is a suitable starting point. The board sees no reason to differ. The document relates to a process for producing 2,3,3,3-tetrafluoropropene ($\text{CF}_3\text{CF}=\text{CH}_2$, HFO-1234yf), i.e. a compound of formula (II) according to claim 1 of the main request. The process comprises a step (a) of hydrogenating the pentafluoropropene $\text{CF}_3\text{CF}=\text{CHF}$ (HFO-1225ye) to produce the pentafluoropropane $\text{CF}_3\text{CHFCH}_2\text{F}$ (HFC-245eb) - corresponding to step (a) of claim 1 of the main request - and a dehydrohalogenation step (c) to produce $\text{CF}_3\text{CF}=\text{CH}_2$ (HFO-1234yf) - corresponding to step (c) of claim 1 of the main request (see claim 1 of D3).

The differing features

8. It was undisputed that D3 disclosed in claim 1, as well as in example 3, steps (a) and (c) of claim 1 of the main request. It was also undisputed that D3 did not explicitly disclose a process wherein the concentration of 3,3,3-trifluoropropene (HFO-1234zf) in the final

product stream was limited to less than 20 parts per million.

9. The respondent also argued, in particular by reference to example 3 and page 6, line 29 to page 7, line 4 as well as claims 1 and 10, that D3 did not disclose the separation of compound (I), *i.e.* step (b), in connection with steps (a) and (c) of claim 1 of the main request.
10. This is correct. Document D3 does not disclose a method wherein a compound (I), *i.e.* HFC-254eb in D3, is separated from $\text{CF}_3\text{CHFCH}_2\text{F}$ (HFC-245eb) in combination with steps (a) and (c). Neither of claims 1 or 10 of D3 discloses such a separation step. Furthermore, example 3 discloses that the effluent of the reactor after step (a), *i.e.* the effluent obtained after the hydrogenation of HFO-1225ye (a pentafluoropropene according to claim 1 of the main request) is used directly in the second step, the dehydrohalogenation in order to obtain HFO-1234yf.
11. The board also agrees with the respondent's argumentation, that said effluent in example 3 should have a similar composition to the effluent obtained in example 1 of D3, *i.e.* comprising 92% HFC-245eb (a pentafluoropropene obtained as desired product in the first step of the claimed method) and 8% HFC-254eb (an undesired compound of formula (I) of the claimed method), since the conditions of step 1 of example 3 are comparable to those in example 1. This was not disputed.
12. The board thus concludes that document D3 does not disclose a step (b) of "... separating said at least one compound of formula (I) from said first product

stream to obtain a separated product stream and a second reaction stream, wherein said separated product stream comprises a higher weight percent of said at least one compound of formula (I) than said second reaction stream; ..." in combination with steps (a) and (c). The document does furthermore not disclose the feature that *"... the concentration of 3,3,3-trifluoropropene formed in said final product stream (is limited) to less than 20 parts per million; ..."*.

The technical problem

13. According to the respondent, the objective technical problem was the provision of a method for converting a product stream comprising at least one pentafluoropropene to a final product stream comprising at least one compound of formula (II) with lower yield losses. The respondent referred to paragraph [0008] of the patent in dispute.
14. The appellant argued that there was no evidence for an improvement of the claimed method compared to the process disclosed in document D3, and that a less ambitious technical problem had to be formulated, *i.e.* the provision of an alternative method.
15. In the following, it will be assumed - in favour to the respondent - that that the objective technical problem is the provision of an improved method with lower yield losses. Since the claimed solution is not based on an inventive step for the reasons below there is no need to further elaborate on this point.

The claimed solution

16. The claimed solution is the method of claim 1, characterised by a step (b) separating compound (I), and by a proportion of 3,3,3-trifluoropropene (HFO-1243zf) in the final product stream of less than 20 ppm.

Success of the claimed solution

17. As indicated above, it is assumed that the claimed method solves the technical problem.

Obviousness of the claimed solution

18. Document D3 discloses the formation of a compound of formula (I), *i.e.* $\text{CF}_3\text{CHFCH}_3$ (HFC-254eb), as a byproduct in the hydrogenation of pentafluoropropene $\text{CF}_3\text{CF}=\text{CHF}$ (HFO-1225ye) (see page 6, lines 30 and 31; example 1), this hydrogenation corresponding to step (a) of claim 1 of the main request.

19. Document D3 further discloses that 3,3,3-trifluoropropene (HFO-1243zf, $\text{CF}_3\text{CH}=\text{CH}_2$) is obtained in the dehydrofluorination process corresponding to step (c) of claim 1 of the main request, if $\text{CF}_3\text{CHFCH}_3$ (HFC-254eb), *i.e.* the by-product of the hydrogenation referred to above, is present in the feed (see page 19, lines 3 and 4). HFC-254eb is a compound of formula (I), HFO-1243zf is the compound present in an amount of less than 20 ppm after step (c) according to claim 1 of the main request. The presence of any additional product in the final product stream will decrease the purity of the crude final product, increase purification difficulties and reduce the isolated yield of desired product, in the present case 2,3,3,3-tetrafluoropropene ($\text{CF}_3\text{CF}=\text{CH}_2$, HFO-1234yf). Thus, in order to limit yield loss of the desired product, the skilled person would

try to limit the presence of additional products, such as 3,3,3-trifluoropropene (HFO-1243zf, $\text{CF}_3\text{CH}=\text{CH}_2$) in the starting material of step (c).

20. Document D3 further discloses that pentafluoropropane $\text{CF}_3\text{CHFCH}_2\text{F}$ (HFC-245eb) can be separated from reaction by-products before dehydrofluorination, e.g. by distillation, and that the recovered pentafluoropropane $\text{CF}_3\text{CHFCH}_2\text{F}$ (HFC-245eb) is then directed to the next step (see page 7, lines 1 to 4). In the preceding paragraph (see page 6, lines 29 to 31 of D3), only one by-product is disclosed, i.e. $\text{CF}_3\text{CHFCH}_3$ (HFC-254eb). Since D3 also discloses that the presence of this compound in the feed mixture for the dehydrofluorination step (c) generates 3,3,3-trifluoropropene (HFO-1243zf), i.e. the product to be limited to less than 20 ppm in the method according to claim 1 of the main request, as a side product (page 19, lines 3 and 4), it is obvious for the skilled person to separate pentafluoropropane from the by-product $\text{CF}_3\text{CHFCH}_3$ (HFC-254eb) before the dehydrofluorination step in order to limit the concentration of 3,3,3-trifluoropropene (HFO-1243zf) in the final product. The skilled person would thus arrive at the claimed solution without using inventive skills in view of D3 alone.

21. The boiling point of 3,3,3-trifluoropropene (HFO-1243zf) is about -26°C at 14.3 psia (about 1 atm) (see D16, page 24, line 8) and that of 2,3,3,3-tetrafluoropropene (HFO-1234yf) is -29.85°C (see D16, page 24, Table 1, first entry). Given that the boiling points are very close, separating these compounds by distillation could be difficult.

22. Seeking a process with less yield losses, instead of separating the impurity which is difficult to separate from the final product in view of the close boiling points of the desired product (HFO-1234yf) and the impurity (HFO-1243zf), the skilled person would rather seek to separate the precursor compound leading to the impurity, if feasible.
23. In a submission filed after the board's communication in preparation for oral proceedings, the respondent argued that separating compounds with close boiling points is feasible. However, this does not mean that such a separation would nevertheless be easy. This argument is not convincing even if it could be admissible, contrary to the appellant's request.
24. The respondent requested that document D16, filed with the statement setting out the grounds of appeal, not be admitted into the appeal proceedings. A decision on the admittance of this document, however, is not required, since the boiling points of HFO-1243zf and HFO-1234yf are part of the general technical knowledge of the skilled person.
25. The board further notes, as submitted by the appellant, that example 2 of D3 discloses the dehydrofluorination of HFC-245eb, corresponding to step (c) in claim 1, to lead to a crude product containing 96.1% HFO-1234yf. The example does not disclose any by-products in the starting material. Such by-products should thus have been removed beforehand.
26. The respondent argued, by reference to page 19, lines 4 to 7, and example 3 of D3, that a skilled person would rather focus on the purification of the final product, rather than introduce an additional purification step

after the first stage of the process.

27. It is correct that document D3 discloses that 2,3,3,3-tetrafluoropropene (HFO-1234yf) can be separated from lower boiling products and higher boiling products by conventional means, e.g. distillation. It is also correct that example 3 discloses the use of the intermediate reaction effluent without purification, i.e. without removal of the tetrafluoropropane by-product HFC-254eb.

However, the question is not whether the skilled person may also find other arguably not inventive solutions to the technical problem, but whether the prior art contains a suggestion to solve the technical problem according to the claimed one. As indicated above, this is the case (see point 24. of this decision).

28. In summary, since the skilled person is aware that the separation of 2,3,3,3-tetrafluoropropene (HFO-1234yf) and 3,3,3-trifluoropropene (HFO-1243zf) may be challenging, and that a reduction of a loss in yield of the desired product may be achieved by avoiding the formation of by-products rather than by their removal, the total or partial removal of by-products in an intermediate effluent may be more expedient. In addition, the claimed method allows for additional purification steps of the final product stream.

29. Claim 1 further requires the final feed to contain less than 20 ppm of 3,3,3-trifluoropropene. A skilled person would seek to obtain chemicals with the required level of purity, which depends on the intended use of the compound and on the economical balance of the purification. It is obvious to a chemist that the purer a compound, the better. The respondent did not rely on

a technical effect caused by this feature beyond this obvious advantage.

30. Since the claimed invention is not based on an inventive step under the assumption that the objective technical problem which has effectively been solved is an improvement, it is also obvious under the assumption that the objective technical problem is less ambitious, *i.e.* the provision of an alternative method.

Conclusion with respect to the main request

31. The method according to claim 1 of the main request is, for these reasons, not based on an inventive step starting from document D3. The main request is not allowable (Article 56 EPC). It is therefore not necessary to also examine inventive step starting from documents D1, D2, D6 or D14. Neither is it necessary to evaluate whether the other objections brought forward by the appellant would prevent the maintenance of the contested patent, or not.

Auxiliary requests 1 to 11

32. Auxiliary requests 1 to 11 were filed with the reply to the statement setting out the grounds for appeal, and correspond to the auxiliary requests pending before the opposition division. Claim 1 of these requests is either identical to claim 1 of the main request (auxiliary requests 1 and 2), or differs therefrom either in that "*the pentafluoropropene is $CF_3CF=CHF$ (HFO-1225ye), the pentafluoropropane is CF_3CHFCH_2F (HFC-245eb), and the compound of formula (II) is 2,3,3,3-tetrafluoropropene (HFO-1234yf)*" (auxiliary requests 3 to 5), or in that "*step (b) comprises removing at least 50% of said at least one compound of*

formula (II) from said first product stream" (auxiliary requests 6 to 8), or both (auxiliary requests 9 to 11).

33. The respondent did not provide any arguments in support of inventive step for these requests beyond those examined above in the context of claim 1 of the main request.
34. The board notes that the method according to claim 1 of auxiliary requests 3 to 5 lack features further differentiating them from that in document D3. The board further notes that the method according to claim 1 of auxiliary requests 6 to 8 are only limited with respect to the amount of by-product of formula (I) to be removed. Since it has not been shown that the removal of at least 50% of such by-product leads to a particular technical effect, the definition of the technical problem is identical to that for the main request. The board adds that the arguments given above in the context of the main request already assume removal of most of the by-product present. It has also not been shown that the combination of these additional features leads to a particular technical effect so the issue of inventive step does not differ in the context of claim 1 of auxiliary requests 9 to 11.
35. The board concludes that the methods as claimed in these requests are not based on an inventive step for the same, or essentially the same reasons as the main request. Auxiliary requests 1 to 11 are not allowable (Article 56 EPC).

Auxiliary requests 12 to 31

36. Auxiliary requests 12 to 31 were filed 14 July 2025, after the respondent's reply to the grounds of appeal.

According to Article 13(1) RPBA, an amendment to a party's appeal case after it has filed its grounds of appeal or its reply is subject to the party's justification and may be admitted only at the discretion of the board. The board shall exercise its discretion in view of, inter alia, the suitability of the amendments to resolve the issues which were admissibly raised by another party in the appeal proceedings, and, in case of an amendment to a patent, whether the party has demonstrated that such an amendment, prima facie, overcomes the issues raised by another party in the appeal proceedings.

37. The respondent submitted during the written proceedings that auxiliary requests 12 to 31 meet the requirements of Article 56 EPC for the same reasons as the claims of the main request (see the last paragraph on page 2 of the submission of 14 July 2025). No further arguments were submitted during the oral proceedings before the board.
38. The board does not consider the respondent's argumentation to demonstrate the amendments' suitability to resolve and overcome the issues raised by the appellant with respect to lack of inventive step, and for this reason does not admit auxiliary requests 12 to 31 into the appeal proceedings (Article 13(1) RPBA).

Conclusion

39. Since the main request and auxiliary requests 1 to 11 do not meet the requirements of Article 56 EPC, and since auxiliary requests 12 to 31 are not admitted into the appeal proceedings, the contested patent cannot be

maintained on the basis of any of these requests. The patent has to be revoked.

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. Rodríguez Rodríguez

R. Pérez Carlón

Decision electronically authenticated