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**Datasheet for the decision
of 22 April 2026**

Case Number: T 0044/24 - 3.3.08

Application Number: 15196240.4

Publication Number: 3056568

IPC: C12N15/09, A61K39/395,
C07K16/00, C12N1/15, C12N1/19,
C12N1/21, C12N5/10, C12P21/08

Language of the proceedings: EN

Title of invention:
METHODS FOR CONTROLLING BLOOD PHARMACOKINETICS OF ANTIBODIES

Patent Proprietor:
Chugai Seiyaku Kabushiki Kaisha

Opponents:
Strawman Limited
Novo Nordisk A/S

Headword:
Methods for controlling blood pharmacokinetics of antibodies
/CHUGAI SEIYAKU KABUSHIKI KAISHA

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Basis of decision - text or agreement to text withdrawn by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, T 0186/84, T 1484/19, T 1995/21, T 1549/22

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 0044/24 - 3.3.08

D E C I S I O N
of Technical Board of Appeal 3.3.08
of 22 April 2026

Appellant: Novo Nordisk A/S
(Opponent) Novo Allé
DK-2880 Bagsvaerd (DK)

Representative: J A Kemp LLP
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Respondent: Chugai Seiyaku Kabushiki Kaisha
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Representative: Vossius & Partner
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Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted/electronically transmitted on 26 October 2023 rejecting the opposition filed against European patent No. 3056568 pursuant to Article 101(2) EPC**

Composition of the Board:

Chairwoman T. Sommerfeld
Members: D. Pilat
D. Rogers

Summary of Facts and Submissions

- I. The appeal was filed by the opponent (appellant) against the decision of the opposition division rejecting the opposition filed against European patent No. 3 056 568.
- II. The appellant requested that the decision under appeal be set aside and the patent be revoked.
- III. The patent proprietor (respondent) replied to the appeal, requesting *inter alia* that the appeal be dismissed.
- IV. The board summoned the parties to oral proceedings and gave its preliminary opinion in a communication pursuant to Article 15(1) RPBA.
- V. During the oral proceedings, the respondent withdrew its consent to the text in which the patent had been granted and all its auxiliary requests.

Reasons for the Decision

1. Article 113(2) EPC requires that the European Patent Office decides upon the European patent only in the text submitted to it, or agreed, by the proprietor(s) of the patent.
2. By disapproving the granted text of the patent, the patent proprietor has withdrawn their agreement with any text for maintenance of the patent. There is therefore no approved text of the patent on the basis of which the patent could be maintained.

3. In these circumstances, the patent is to be revoked without any further assessment of issues relating to patentability (see, for example, T 73/84 (OJ EPO 1985, 241), T 186/84 (OJ EPO 1986, 79), T 1484/19 of 29 November 2022, T 1995/21 and T 1549/22, and Case Law of the Boards of Appeal of the European Patent Office, 11th edition, 2025 ("Case Law"), sections III.B.3.3 and 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 Chairwoman:



C. Rodríguez Rodríguez

T. Sommerfeld

Decision electronically authenticated