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**Datasheet for the decision  
of 5 February 2026**

**Case Number:** T 0055/24 - 3.3.02

**Application Number:** 15771276.1

**Publication Number:** 3191461

**IPC:** C07D263/57, A61K31/423,  
A61P25/00

**Language of the proceedings:** EN

**Title of invention:**

CRYSTALLINE SOLID FORMS OF 6-CARBOXY-2-(3,5-DICHLOROPHENYL)-  
BENZOXAZOLE

**Patent Proprietor:**

Pfizer Inc.

**Opponents:**

Alfred E. Tiefenbacher (GmbH & Co. KG)  
Química Sintética, S.A.  
Galenicum Health S.L.U.  
Hollatz, Christian  
KELTIE LLP

**Headword:**

**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Basis of decision - text or agreement to text withdrawn by  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 1627/21

**Catchword:**



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

Boards of Appeal of the  
European Patent Office  
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Case Number: T 0055/24 - 3.3.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.02**  
**of 5 February 2026**

**Appellant:** Química Sintética, S.A.  
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**Representative:** Bardehle Pagenberg S.L.  
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**Appellant:** Hollatz, Christian  
(Opponent 4) Ter Meer Steinmeister & Partner Patentanwälte mbB  
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**Representative:** Ter Meer Steinmeister & Partner  
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**Appellant:** KELTIE LLP  
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**Representative:** Moore, Michael Richard  
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**Respondent:** Pfizer Inc.  
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**Representative:** Pfizer  
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**Party as of right:** Alfred E. Tiefenbacher (GmbH & Co. KG)  
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**Representative:** Bardehle Pagenberg S.L.  
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**Party as of right:** Galenicum Health S.L.U.  
(Opponent 3) CL Sant Gabriel nº50  
08950 Esplugues de Llobregat (ES)

**Representative:** Galenicum Health S.L.U.  
CL Sant Gabriel nº50  
08950 Esplugues de Llobregat (ES)

**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
10 November 2023 concerning maintenance of the  
European Patent No. 3191461 in amended form.**

**Composition of the Board:**

**Chairman** M. O. Müller  
**Members:** S. Bertrand  
R. Romandini

## **Summary of Facts and Submissions**

- I. The appeals by opponents 2, 4 and 5 ("appellants 2, 4 and 5") are against the opposition division's interlocutory decision that European patent No. 3191461, as amended on the basis of the claims of the main request filed on 20 December 2022, met the requirements of the EPC.
- II. In the written appeal proceedings, the patent proprietor ("respondent") requested that the patent be maintained in amended form on the basis of the claims of the main request filed on 20 December 2022, or on the basis of the claims of one of auxiliary requests 1 to 5 filed on 20 December 2022.
- III. The board summoned the parties to oral proceedings, as requested, and subsequently informed them of its preliminary opinion in a communication pursuant to Article 15(1) RPBA.
- IV. Oral proceedings before the board took place on 5 February 2026.
- V. During the oral proceedings, the respondent stated that it withdrew the main request, all the auxiliary requests on file and its consent to the patent as granted. Furthermore, it stated that it did not intend to file any new requests.

## **Reasons for the Decision**

1. According to Article 113(2) EPC, the European Patent Office shall examine and decide upon a European patent only in the text submitted to it or agreed by the patent proprietor.
2. In view of the respondent's statements during the oral proceedings (point V. above), there is no approved text on the basis of which the board can consider the appeal and examine whether a ground for opposition prejudices the maintenance of the patent. It is therefore no longer possible to take a decision as to substance because the absence of an approved text precludes any substantive examination of the alleged impediments to patentability (T 1627/21, point 2 of the Reasons and decisions cited therein).
3. According to the Case Law of the Boards of Appeal, in these circumstances the proceedings are to be terminated by a decision ordering revocation of the patent under Article 101 EPC without assessing issues relating to patentability, since the respondent no longer challenges the request for revocation of the opposed patent and the patent cannot be maintained against the respondent's (proprietor's) will (see decision T 73/84, OJ EPO 1985, 241, and Case Law of the Boards of Appeal of the European Patent Office, 11th edition, 2025, 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 Chairman:



D. Grundner

M. O. Müller

Decision electronically authenticated