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**Datasheet for the decision
of 9 June 2026**

Case Number: T 0081/24 - 3.2.02

Application Number: 19203957.6

Publication Number: 3653223

IPC: A61K38/28, A61B1/04, A61B5/07,
A61K9/48

Language of the proceedings: EN

Title of invention:

DEVICE FOR THE ORAL DELIVERY OF THERAPEUTIC COMPOUNDS

Patent Proprietor:

Rani Therapeutics, LLC

Opponent:

Novo Nordisk A/S

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Basis of decision - text or agreement to text withdrawn by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:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
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Case Number: T 0081/24 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 9 June 2026

Appellant: Rani Therapeutics, LLC
(Patent Proprietor) 2051 Ringwood Avenue
San Jose, CA 95131 (US)

Representative: Cameron Intellectual Property Ltd
Moncrieff House
69 West Nile Street
Glasgow G1 2QB (GB)

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

Representative: Potter Clarkson
Chapel Quarter
Mount Street
Nottingham NG1 6HQ (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted/
electronically transmitted on 15 November 2023
concerning maintenance of the European Patent
No. 3653223 in amended form.

Composition of the Board:

Chairman M. Alvazzi Delfrate
Members: A. Martinez Möller
Y. Podbielski

Summary of Facts and Submissions

- I. Both the patent proprietor and the opponent appealed against the opposition division's interlocutory decision to maintain the contested patent in amended form. The appellant/opponent requested that the decision be set aside and the patent be revoked.
- II. The Board summoned the parties to oral proceedings and sent its preliminary opinion.
- III. By letter of 29 May 2026 the appellant/proprietor withdrew its approval of the text in which the patent was granted and withdrew all outstanding requests. It further indicated that it would not be filing any further requests nor be represented at the oral proceedings.
- IV. The Board cancelled the scheduled oral proceedings.

Reasons for the Decision

- 1. Under Article 113(2) EPC, the European Patent Office must examine, and decide upon, the European patent only in the text submitted to it, or agreed, by the proprietor of the patent.
- 2. Since the proprietor withdrew its agreement to the text of the patent in any form, there is no text of the patent on which the Board can base its consideration of the appeal.

3. Under these circumstances a decision ordering revocation of the patent is to be issued (Case Law of the Boards of Appeal of the EPO, 11th edition, 2026 revision, IV.D.2).
4. As revocation of the patent is the opponent's main request, and no other issues need to be addressed in this case, this decision can be taken without holding oral proceedings.

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:



G. Magouliotis

M. Alvazzi Delfrate

Decision electronically authenticated