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**Datasheet for the decision
of 12 December 2025**

Case Number: T 0118/24 - 3.2.04

Application Number: 11152271.0

Publication Number: 2317125

IPC: F03D1/06, F03D7/02, F03D7/04

Language of the proceedings: EN

Title of invention:
Wind turbine and blade therefor

Patent Proprietor:
Vestas Wind Systems A/S

Opponent:
LM Wind Power A/S

Headword:

Relevant legal provisions:
EPC Art. 113(2)

Keyword:
Revocation of the patent after withdrawal of the patent proprietor's agreement to the text granted

Decisions cited:

T 0073/84

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0118/24 - 3.2.04

D E C I S I O N
of Technical Board of Appeal 3.2.04
of 12 December 2025

Appellant: Vestas Wind Systems A/S
(Patent Proprietor) Hedeager 42
8200 Aarhus N (DK)

Representative: Inspicos P/S
Agern Allé 24
2970 Hørsholm (DK)

Appellant: LM Wind Power A/S
(Opponent) Jupitervej 6
6000 Kolding (DK)

Representative: COPA Copenhagen Patents
Rosenvængets Allé 25
2100 Copenhagen Ø (DK)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
24 November 2023 concerning maintenance of the
European Patent No. 2317125 in amended form.**

Composition of the Board:

Chairman A. Pieracci
Members: S. Hillebrand
C. Heath

Summary of Facts and Submissions

I. The appeals were filed by the patent proprietor and the opponent against the interlocutory decision of the Opposition Division finding that the patent in suit in an amended form according to former auxiliary request 1 met the requirements of the EPC.

In particular, the Opposition Division held that
- the patent as granted (former main request), disclosed the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art

- the subject-matter of granted independent claims 1 and 2 did not extend beyond the content of the parent application as filed;

- the subject-matter of granted claim 1 was novel, but did not involve an inventive step;

- the subject-matter of claim 1 according to former auxiliary request 1 was originally disclosed, could be carried out and did involve an inventive step.

II. In a communication pursuant to Article 15(1) RPBA, the Board expressed the preliminary opinion that although there did not seem to be a problem with sufficiency of disclosure, the questions of added subject-matter and inventive step appeared to be critical for the maintenance of the patent.

III. Oral proceedings were scheduled to take place on 13 February 2026 in hybrid format but cancelled after receipt of a letter of the appellant-proprietor in reaction to the Board's communication.

IV. With this letter of 11 December 2025, the appellant-proprietor withdrew their appeal, their approval under Rule 71 EPC of the text in which the patent was granted and all their then pending requests including that to hold oral proceedings.

The appellant-opponent requests that the decision under appeal be set aside and that the patent be revoked in its entirety, in the alternative to hold oral proceedings.

Reasons for the Decision

1. Both appeals were admissible.
2. Pursuant to 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 proprietor of the patent. Such an agreement cannot be deemed to exist where - as in the present case - the proprietor expressly states that they no longer approve the text of the patent as granted and withdraw all pending requests.
3. There is therefore no text of the patent on the basis of which the Board can consider the appeal. In these circumstances, the proceedings are to be terminated by a decision ordering revocation of the patent, without examination as to patentability (consistent case law since decision **T 73/84**, cf. CLBA, 11th Edition 2025, 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 Chairman:



G. Magouliotis

A. Pieracci

Decision electronically authenticated