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**Datasheet for the decision
of 2 April 2025**

Case Number: T 0158/24 - 3.3.03

Application Number: 16901876.9

Publication Number: 3455056

IPC: B29C67/00, B33Y70/00,
B33Y30/00, B33Y40/00

Language of the proceedings: EN

Title of invention:

MATERIAL SETS

Patent Proprietor:

Hewlett-Packard Development Company, L.P.

Opponent:

Evonik Operations GmbH

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Basis of decision - text or agreement to text withdrawn by
patent proprietor - patent revoked



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0

Case Number: T 0158/24 - 3.3.03

D E C I S I O N
of Technical Board of Appeal 3.3.03
of 2 April 2025

Appellant:

(Opponent)

Evonik Operations GmbH
Rellinghauser Straße 1-11
45128 Essen (DE)

Representative:

f & e patent
Braunsberger Feld 29
51429 Bergisch Gladbach (DE)

Respondent:

(Patent Proprietor)

Hewlett-Packard Development Company, L.P.
10300 Energy Drive
Spring TX 77389 (US)

Representative:

HGF
HGF Limited
1 City Walk
Leeds LS11 9DX (GB)

Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted on
30 November 2023 concerning maintenance of the
European Patent No. 3455056 in amended form.**

Composition of the Board:

Chairman

D. Semino

Members:

F. Rousseau

W. Ungler

Summary of Facts and Submissions

- I. The appeal lodged by the opponent (appellant) lies from the interlocutory decision of the opposition division concerning maintenance of European patent No. 3 455 056 in amended form.
- II. The appellant requested that the decision under appeal be set aside and that the patent be revoked.
- III. The patent proprietor (respondent) initially requested that the appeal be dismissed and that the patent be maintained as amended.
- IV. With letter dated 10 March 2025 the respondent stated the following: "I hereby withdraw the approval of the text as intended for grant. I withdraw all requests made during the opposition proceedings."
- V. In reaction to the Board's invitation to clarify its statement of 10 March 2025 the respondent replied that it wished the patent to be revoked. It also withdrew all pending requests to maintain the patent (cf. letter dated 20 March 2025).

Reasons for the Decision

1. Article 113(2) EPC stipulates that the European Patent Office shall decide upon the European patent only in the text submitted to it, or agreed by the proprietor of the patent.
2. Since the patent proprietor expressly stated that it wished the patent to be revoked and withdrew all

pending requests, there is no version of the patent on which the Board could base its assessment of the appeal.

3. In these circumstances, the proceedings must be terminated with a decision ordering the revocation of the patent without addressing the substantive issues (Case Law of the Boards of Appeal, 10th edition, 2022, 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:



D. Hampe

D. Semino

Decision electronically authenticated