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**Datasheet for the decision  
of 10 July 2025**

**Case Number:** T 0188/24 - 3.2.06

**Application Number:** 16199208.6

**Publication Number:** 3179040

**IPC:** F01D5/18

**Language of the proceedings:** EN

**Title of invention:**

COMPONENT FOR A GAS TURBINE ENGINE AND CORRESPONDING A METHOD  
OF MANUFACTURING A FILM-COOLED ARTICLE

**Patent Proprietor:**

RTX Corporation  
The Penn State Research Foundation

**Opponent:**

Safran Aircraft Engines

**Headword:**

**Relevant legal provisions:**

EPC Art. 113(2)

**Keyword:**

Basis of decision - text or agreement to text withdrawn by  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

**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 0188/24 - 3.2.06

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.06**  
**of 10 July 2025**

**Appellant:** Safran Aircraft Engines  
(Opponent) 2 boulevard du Général Martial Valin  
75015 Paris (FR)

**Representative:** Brevallex  
Tour Trinity  
1 B Place de la Défense  
92400 Courbevoie (FR)

**Respondent:** RTX Corporation  
(Patent Proprietor 1) 10 Farm Springs Road  
Farmington, CT 06032 (US)

**Respondent:** The Penn State Research Foundation  
(Patent Proprietor 2) 304 Old Main  
University Park, PA 16802 (US)

**Representative:** Dehns  
10 Old Bailey  
London EC4M 7NG (GB)

**Decision under appeal:** **Interlocutory decision of the Opposition**  
**Division of the European Patent Office posted on**  
**6 December 2023 concerning maintenance of the**  
**European Patent No. 3179040 in amended form.**

**Composition of the Board:**

**Chairman**            M. Harrison  
**Members:**            T. Rosenblatt  
                              J. Hoppe

## **Summary of Facts and Submissions**

- I. The appellant (opponent) filed an appeal against the interlocutory decision of the opposition division in which it found that European patent No. 3 179 040 in an amended form met the requirements of the EPC.
- II. The parties were summoned to oral proceedings before the Board of Appeal. With a communication pursuant to Article 15(1) of the Rules of Procedure of the Boards of Appeal (RPBA) the parties were informed of the Board's provisional opinion.
- III. Oral proceedings before the Board were held on 10 July 2025.
- IV. At the end of the oral proceedings, the respondents (patent proprietors) withdrew all of their requests on file and their consent to maintenance of any text of the patent.
- V. The appellant requested that the decision under appeal be set aside and the European patent be revoked.

## **Reasons for the Decision**

1. According to Article 113(2) EPC 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. The respondents withdrew all auxiliary requests and also their approval of any text for maintenance of the patent. There is thus no text of the patent upon which maintenance of the patent could be based. Under these

circumstances and in accordance with the case law of the Boards of appeal, the only option available to the Board is to revoke the patent according to Article 101 EPC (see for example T 2405/12 and decisions cited therein).

## 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. Harrison

Decision electronically authenticated