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**Datasheet for the decision
of 26 February 2026**

Case Number: T 0496/24 - 3.3.03

Application Number: 14905884.4

Publication Number: 3215542

IPC: C08B1/00

Language of the proceedings: EN

Title of invention:
METHOD OF COALESCING A SUBSTANCE

Patent Proprietor:
Renmatix, Inc.

Opponent:
UPM-Kymmene Oyj

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Basis of decision - text or agreement to text withdrawn by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 0186/84, T 0646/08, T 2434/18



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0496/24 - 3.3.03

D E C I S I O N
of Technical Board of Appeal 3.3.03
of 26 February 2026

Appellant: UPM-Kymmene Oyj
(Opponent) Alvar Aallon katu 1
00101 Helsinki (FI)

Representative: Hoffmann Eitle
Patent- und Rechtsanwälte PartmbB
Arabellastraße 30
81925 München (DE)

Respondent: Renmatix, Inc.
(Patent Proprietor) 660 Allendale Road
King of Prussia, PA 19406 (US)

Representative: Hoefler & Partner Patentanwälte mbB
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81543 München (DE)

Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on
8 February 2024 concerning maintenance of the
European Patent No. 3215542 in amended form.

Composition of the Board:

Chairman D. Semino
Members: M. Barrère
L. Basterreix

Summary of Facts and Submissions

- I. The appeals lodged by the patent proprietor and the opponent lie from the interlocutory decision of the opposition division concerning maintenance of European Patent number 3 215 542 in amended form on the basis of the claims of auxiliary request 5 filed initially as auxiliary request 4 with the reply to the notice of opposition and an adapted description.

- II. With the rejoinder to the statement of grounds of appeal of the opponent the patent proprietor initially requested that the decision under appeal be set aside and that the patent be maintained as granted (main request) or, in the alternative, in amended form on the basis of one of auxiliary requests 1 to 5, whereby

auxiliary requests 1, 2 and 3 were filed respectively as auxiliary requests 1, 2 and 5 with the statement of grounds of appeal, and

auxiliary requests 4 and 5 were filed with that rejoinder.

- III. The opponent (appellant) requested that the decision be set aside and the patent be revoked.

- IV. The Board scheduled oral proceedings and subsequently issued a communication under Article 15(1) RPBA (dated 16 January 2026).

- V. With letter dated 16 February 2026, the patent proprietor:

- withdrew their appeal, the main request and all auxiliary requests on file as well as their request for oral proceedings and
- requested revocation of the opposed patent.

VI. The oral proceedings were then cancelled.

Reasons for the Decision

1. Under Article 113(2) EPC, the European Patent Office shall consider and decide upon the European patent only in the text submitted to it, or agreed, by the proprietor of the patent. This principle has to be strictly observed also in opposition and opposition appeal proceedings.
2. Since the text of a patent is at the disposition of the patent proprietor, their patent cannot be maintained against their will. In the case at hand the patent proprietor withdrew all their requests. Consequently, there is no longer any text of the patent in the proceedings which the Board can consider for compliance with the requirements of the EPC, so that it is not possible to take a decision on the merits (see e.g. decisions T 186/84, Reasons 5; T 646/08, Reasons 4 and T 2434/18, Reasons 4).
3. It is established case law of the Boards of Appeal that, in the present circumstances, the decision under appeal must be set aside and the patent be revoked without further substantive examination as to patentability (see decision T 73/84 and Case Law of the Boards of Appeal, 11th edition 2025, III.B.3.3 and IV.D.2). The Board has no reason to deviate from this

established jurisprudence of the Boards of Appeal, with the consequence that the patent is to be revoked.

4. The Board can take this decision in writing since the appellant's request for oral proceedings was made just in case that the Board would not revoke the patent.

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