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**Datasheet for the decision  
of 12 January 2026**

**Case Number:** T 0563/24 - 3.3.04

**Application Number:** 15708991.3

**Publication Number:** 3107575

**IPC:** A61K39/395, A61K31/00,  
A61K31/167, A61K31/56,  
A61P11/06

**Language of the proceedings:** EN

**Title of invention:**

Methods for treating or preventing asthma by administering an IL-4R antagonist

**Patent Proprietor:**

Sanofi Biotechnology  
Regeneron Pharmaceuticals, Inc.

**Opponents:**

Dr. H. Ulrich Dörries  
D Young & Co LLP  
Neuefeind, Regina

**Headword:**

IL-4R antagonist antibody/SANOFI

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Basis of decision - text or agreement to text withdrawn by  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

Boards of Appeal of the  
European Patent Office  
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**Case Number: T 0563/24 - 3.3.04**

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.04**  
**of 12 January 2026**

**Appellant:**  
(Opponent 1)

Dr. H. Ulrich Dörries  
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**Representative:**

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**Appellant:**  
(Opponent 2)

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**Representative:**

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**Appellant:**  
(Opponent 3)

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**Representative:**

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**Respondent:**  
(Patent Proprietor 1)

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**Respondent:**  
(Patent Proprietor 2)

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**Representative:** Zwicker, Jörk  
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**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
7 March 2024 concerning maintenance of the  
European Patent No. 3107575 in amended form.**

**Composition of the Board:**

**Chairwoman** M. Pregetter  
**Members:** A. Chakravarty  
R. Romandini

## **Summary of Facts and Submissions**

- I. All three opponents filed appeals against the opposition division's interlocutory decision that the patent, amended according to auxiliary request 43, met the requirements of the EPC. The patent proprietor is respondent to these appeals.
- II. The board appointed oral proceedings and subsequently issued a communication pursuant to Article 15(1) RPBA, setting out its preliminary opinion on the appeal case.
- III. In a letter dated 11 December 2025, the patent proprietor stated that it no longer approved the text of the patent as granted and withdrew all requests on file.

## **Reasons for the Decision**

### *Disapproval of the text of the patent by the patent proprietor*

1. According to Article 113(2) EPC the EPO shall examine and decide on the European patent only in the text submitted to it, or agreed upon, by the proprietor of the patent.
2. In view of the respondent-patent proprietor's statement in its letter of 11 December 2025, there is no approved text on the basis of which the board could consider the appeals and examine whether a ground for opposition prejudices the maintenance of the patent. It is also no longer possible to take a decision as to substance because the absence of an approved text precludes any substantive examination of the alleged impediments to

patentability (T 186/84, point 5 of the Reasons; T 646/08, point 4 of the Reasons and T 2434/18, point 4 of the Reasons).

3. According to the case law of the Boards of Appeal, in these circumstances a substantive requirement for maintaining the patent is lacking and the proceedings are to be terminated by a decision ordering revocation of the patent under Article 101 EPC without assessing issues relating to patentability. The patent cannot be maintained against the proprietor's will (see e.g. decision T 73/84 and Case Law of the Boards of Appeal of the European Patent Office, 11th edition 2025, III.B.3.3 and IV.D.2).
4. There are no remaining issues that need to be dealt with by the Board in the present appeal case.

## **Order**

### **For these reasons it is decided that:**

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:

The Chairwoman:



I. Aperribay

M. Pregetter

Decision electronically authenticated