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**Datasheet for the decision
of 23 January 2026**

Case Number: T 0672/24 - 3.4.02

Application Number: 17797938.2

Publication Number: 3711134

IPC: H02J3/36, H02J3/38, H02J3/46,
H02J1/10

Language of the proceedings: EN

Title of invention:
Voltage droop-based method in a power transmission system

Patent Proprietor:
Hitachi Energy Ltd

Opponent:
General Electric Technology GmbH

Relevant legal provisions:
EPC Art. 100(c), 123(2), 54(2), 56
RPBA 2020 Art. 13(1), 13(2)

Keyword:

Grounds for opposition - added subject-matter - main request
(yes)

Amendments - added subject-matter - auxiliary requests 1 to 27
(yes)

Amendment after summons - taken into account - auxiliary
request 28 (no)

Novelty - auxiliary request 39 (yes)

Inventive step - auxiliary request 39 (yes)



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0672/24 - 3.4.02

D E C I S I O N
of Technical Board of Appeal 3.4.02
of 23 January 2026

Appellant: General Electric Technology GmbH
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Respondent: Hitachi Energy Ltd
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 15 March 2024
rejecting the opposition filed against European
patent No. 3711134 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman G. Flyng
Members: H. Bronold
G. Decker

Summary of Facts and Submissions

- I. The appeal of the opponent (appellant) is against the decision of the opposition division to reject the opposition against European patent No. 3 711 134.
- II. The appellant (opponent) requested that the decision under appeal be set aside and that the patent be revoked.
- III. The respondent (patent proprietor) requested as a main request that the appeal be dismissed, or, alternatively, that the decision under appeal be set aside and that the patent be maintained in amended form on the basis of the claims according to one of auxiliary requests 1 to 26 filed with the reply to the statement of grounds of appeal or according to one of auxiliary requests 27 to 39 filed with the letter dated 14 August 2025 with the proviso that auxiliary request 39 was to be considered after auxiliary request 28.
- IV. The following documents are of relevance for the decision:
- D5 : CN 106253320 A
D5a : Machine translation of D5 into English
D6 : GB 2537684 A
- V. Independent apparatus claim 14 according to the main request (i.e. the patent as granted) contains the following features 14.5 and 14.6:

"for each of the converter stations, select one droop constant of two droop constants, each of the two droop

constants having a selected/predefined value corresponding to the sign of the power transmission system power flow parameter," (14.5)

"for each of the converter stations, determine the droop parameter based on the selected droop constant," (14.6)

VI. The independent apparatus claims according to auxiliary requests 1 to 26 contain features corresponding to the above-mentioned features 14.5 and 14.6 in unamended form.

VII. Independent method claim 1 according to auxiliary request 27 contains the following feature 1.7:

"for each of the converter stations, determining a drooped error signal (304) based on the droop parameter;"

VIII. In independent method claim 1 according to auxiliary request 28 the following feature of claim 4 as filed was added after feature 1.7 of auxiliary request 27:

"wherein the drooped error signal is determined by multiplying the droop parameter and the power transmission system power flow parameter."

IX. Independent method claim 1 according to auxiliary request 39 reads as follows (highlighting added):

"A method (300) in a power transmission system, the power transmission system comprising a plurality of interconnected converter stations, wherein operation of the converter stations can be controlled by means of

providing at least one control signal to the respective ones of the converter stations, the method comprising:

determining a pilot feedback signal (301), the pilot feedback signal being based on at least one voltage level in the power transmission system, wherein the pilot feedback signal is common for all of the converter stations;

the method being characterized by:

determining a power transmission system power flow parameter (302) indicative of a difference between the power flow into the power transmission system and the power flow out of the power transmission system, wherein the power transmission system power flow parameter is determined based on the pilot feedback signal;

for each of the converter stations, selecting one droop constant of two droop constants, each of the two droop constants having a selected or predefined value corresponding to the sign of the power transmission system power flow parameter,

for each of the converter stations, determining the droop parameter based on the selected droop constant,

for each of the converter stations, determining a drooped error signal (304) based on the droop parameter, wherein the droop parameter is determined as being equal to the selected droop constant, and wherein the drooped error signal is determined by multiplying the droop parameter and the power transmission system power flow parameter;

for each of the converter stations, determining at least one control signal (307) based at least on the drooped error signal determined for the converter station;

controlling operation of the respective ones of the converter stations by providing each of the converter

stations with the at least one control signal determined for the converter station."

- X. The parties' arguments which are of particular relevance for the decision are detailed below together with the reasons for the decision.

Reasons for the Decision

Main request and all auxiliary requests - Articles 100(b), 83 EPC

1. Regarding the ground for opposition under Article 100(b) EPC the Board notes that the appellant in the statement of grounds merely reiterated the arguments already filed with their notice of opposition.
2. According to Article 12(3) RPBA the statement of grounds of appeal and the reply shall contain a party's complete appeal case. Accordingly, they shall set out clearly and concisely the reasons why it is requested that the decision under appeal be reversed, amended or upheld, and should specify expressly all the requests, facts, objections, arguments and evidence relied on.
3. The contested decision contains several pages of reasoning in section 3 addressing the opponent's arguments and explaining why the opposition division considered the ground for opposition under Article 100(b) EPC not to prejudice the maintenance of the patent as granted.

4. In the absence of any arguments of the appellant addressing this reasoning, it is not conceivable for the Board why the contested decision on Article 100(b) EPC should be set aside.
5. The Board therefore exercises its discretion under Article 12(5) RPBA not to admit the part of the statement of grounds of appeal concerning the ground for opposition under Article 100(b) EPC. The same is true for the corresponding objection under Article 83 EPC regarding the auxiliary requests.

Main request - Article 100(c) EPC

Independent claim 14

6. With respect to independent apparatus claim 14, the appellant argued that the addition of features F14.5 and F14.6 to claim 14 constituted an inadmissible intermediate generalisation.
7. According to the appellant, these features were not part of original apparatus claim 15 forming the basis for granted claim 14 and no dependent claims referring to originally filed claim 15 were included in the application as filed. The description of the embodiment with respect to the droop constants dealt with the method according to the invention only.
8. The opposition division in the contested decision found that there was direct and unambiguous disclosure for the addition of features F14.5 and F14.6 in pages 18 to 20, third paragraph, and in the first paragraph of page 21.

9. The respondent agreed with the contested decision and further argued that it was directly and unambiguously derivable from page 6, lines 11 to 14 and lines 15 to 36, page 9, lines 12 to 17 and from page 11, line 31 to page 12, line 10 and lines 22 to 24 that the processing unit described on pages 11 and 12 implemented the method described on page 6. The description as originally filed disclosed a parallelism between the method described and the corresponding processing unit. Therefore, according to the respondent, it was directly and unambiguously derivable that any of the embodiments disclosed in the application as filed could be implemented by the processing and/or control unit.
10. Further according to the respondent, claim 16 as filed provided a basis for the claimed control unit of granted claim 14 as it referred to the control unit of claim 15 as filed, which in turn referred to the method of any of claims 1 to 14 as filed. Claim 3 as filed contained the method features corresponding to apparatus features 14.5 and 14.6. Therefore, a processing unit including features 14.5 and 14.6 was originally disclosed.
11. The Board is not convinced by the respondent's arguments and the reasoning in the contested decision.
12. Although the first paragraph on page 21 of the application as filed states that "[o]ne or more of the blocks 304, 307, 308, and 309 ... may for example be carried out in processing and/or control units included in the respective ones of the converter stations 10, 11, 12, 13, 14 ...", this alone does not justify why only some of the numerous (method) features of the

description of block 304 have been added to independent claim 14.

13. The Board notes that features 14.5 and 14.6 were extracted from the detailed disclosure of block 304, which contains numerous control-related steps, parameter definitions, conditional operations and interdependencies. The application as filed does not present features 14.5 and 14.6 as self-contained or independent teachings. Rather, they form part of a broader method in which the power-flow parameter, the selection logic and the droop-parameter derivation interact within a multi-stage control sequence. The omission of the co-operating steps disclosed in block 304, in particular those defining how the power-flow parameter is obtained and how the droop parameter is subsequently used, therefore results in an inadmissible intermediate generalisation.
14. The Board further agrees with the appellant's argument that the claimed method was not identical to the claimed processing unit because according to pages 18 and 19 of the description as filed the processing unit required additional elements which were not all defined in claim 14, and the further argument that claim 14 did not refer to any software such that it also covered embodiments which were hard-wired, for which there was no original disclosure.
15. The generalised apparatus claim 14 therefore introduces subject-matter not directly and unambiguously derivable from the application as filed. Consequently, the Board arrived at the conclusion that the amendments according to independent claim 14 contravene Article 100(c) EPC. Therefore, this ground for opposition prejudices the maintenance of the patent as granted.

Auxiliary requests 1 to 26 - Article 123(2) EPC

16. The reasons set out above with respect to claim 14 according to the main request apply *mutatis mutandis* under Article 123(2) EPC to auxiliary requests 1 to 26.
17. Each of auxiliary requests 1 to 26 contains an independent apparatus claim directed to a processing and/or control unit which still includes features corresponding to F14.5 and F14.6 of claim 14 of the main request, without incorporating the further co-operating features of the underlying embodiment disclosed in connection with block 304. The considerations set out above for the main request therefore apply equally to these requests.
18. Consequently, the Board arrived at the conclusion that auxiliary requests 1 to 26 all contravene Article 123(2) EPC.

Auxiliary request 27 - Article 123(2) EPC

19. The appellant argued in writing that feature 1.7 of granted claim 1 defining the determination of a "drooped error signal based on the droop parameter" contravened Article 100(c) EPC. Claim 1 of auxiliary request 27 contains feature 1.7 in unamended form, such that the corresponding objection against the main request applies *mutatis mutandis* under Article 123(2) EPC to claim 1 according to auxiliary request 27.
20. The Board is not convinced by the respondent's argument that feature F1.7 did not extend beyond the content of

the application as filed because in claim 3 as filed it was explicitly defined that the droop parameter was determined based on the selected droop constant, and because the remaining features of claim 3 as filed were included in claim 1 as well.

21. The application as filed consistently discloses that the error signal is determined (e.g. by block 304) based on the power transmission system power flow parameter (see claim 1 and page 18, lines 1 to 3 as filed). Nowhere does the application as filed suggest that this parameter may be omitted or replaced by the droop parameter alone. The combination of claim 1 as filed with the disclosure of claim 3 as filed does not provide an alternative basis: claim 3 adds further method-specific details but does not redefine the signal-generation mechanism. Replacing the feature that the drooped error signal is determined based on the power transmission system power flow parameter with feature 1.7 therefore constitutes an unallowable amendment because it changes the functional structure of the control logic as originally disclosed.

22. As argued by the appellant, the two features are not disclosed as alternatives in the application as filed. The combination of originally filed claims 1 and 3 clearly results in that the determination of the drooped error signal is further defined by the content of claim 3 in addition to being based on the power transmission system power flow parameter as set out in claim 1. The corresponding argument of the respondent that the features of claim 3 added to claim 1 defined how the drooped error signal was based on the power transmission system power flow parameter does therefore not convince the Board. Nothing in originally filed claim 3 suggests that the drooped error signal is no

longer to be determined based on the power transmission system flow parameter.

23. Therefore, the Board arrived at the conclusion that auxiliary request 27 contravenes Article 123(2) EPC. In view of this conclusion, the Board did not need to decide on the admittance of this request under Article 13(2) RPBA.

Auxiliary request 28 - Article 13(2) and (1) RPBA

24. Auxiliary request 28 was filed after notification of the Board's communication under Article 15(1) RPBA and thus constitutes an amendment to the respondent's appeal case within the meaning of Article 13(2) RPBA. Under that provision, such amendments are, in principle, not to be taken into account unless there are exceptional circumstances, supported by cogent reasons. The respondent argued in this context that the new auxiliary requests 27 to 39 merely delete an independent claim category and therefore simplify the case without changing its factual framework, referring to case law on the admittance of claim-category deletions under Article 13 RPBA.

25. However, unlike auxiliary request 39 (see below), auxiliary request 28 does not merely delete claims 14 to 16 but also introduces a new definition of how the drooped error signal is determined by adding the feature "wherein the drooped error signal is determined by multiplying the droop parameter and the power transmission system power flow parameter". This amendment, based on part of claim 4 as filed, does not *prima facie* overcome the objections under Article 123(2) EPC raised against feature 1.7. On the

contrary, by omitting the feature "wherein the droop parameter is determined as being equal to the selected droop constant", disclosed in claim 4 as filed in combination with the multiplication, the amendment raises additional doubts as to the original disclosure.

26. In these circumstances, the Board did not consider auxiliary request 28 to represent a straightforward limitation that would qualify as an exceptional case under Article 13(2) RPBA. Rather, the Board arrived at the conclusion that auxiliary request 28 was *prima facie* not allowable.
27. Consequently, the Board exercised its discretion under Article 13(2) and (1) RPBA not to take auxiliary request 28 into account in the appeal proceedings.

Auxiliary request 39 - Article 13(2) and (1) RPBA

28. Regarding the admittance of auxiliary request 39 the appellant argued that it was *prima facie* not allowable because the subject-matter of claim 1 was not novel and not inventive for the reasons presented during the appeal proceedings. According to the respondent auxiliary request 39 was admissible because it overcame the objection under Article 123(2) EPC and because novelty and inventive step were confirmed in both the contested decision and in the preliminary opinion issued by the Board. Therefore, auxiliary request was *prima facie* allowable.
29. The Board notes that, unlike auxiliary request 28, auxiliary request 39 does not introduce new technical concepts, nor does it alter the structure of the claimed control method. Instead, auxiliary request 39

removes contested subject-matter and reverts to terminology and combinations already present in the original disclosure. The amendments do not introduce new dependencies or modify the internal logic of the claim set. The request therefore *prima facie* overcomes the previous objections under Article 123(2) EPC.

30. The Board therefore exercised its discretion under Article 13(2) and (1) RPBA to take auxiliary request 39 into account in the appeal proceedings.

Auxiliary request 39 - Article 123(2) EPC

Dependent claim 6

31. The appellant argued in writing with respect to granted claim 7, which corresponds to dependent claim 6 of auxiliary request 39, that the replacement of "pilot voltage level" with "pilot voltage signal" in granted claim 7 constituted an inadmissible amendment within the meaning of Article 100(c) EPC. The same would apply under Article 123(2) EPC to dependent claim 6 of auxiliary request 39.
32. The Board does not agree with the appellant in this respect. In particular, it is evident from the similarity of the formulations used in the passages cited by the respondent on page 6, lines 23 to 24, page 10, lines 18 to 23 and page 10, lines 24 to 26, that the pilot voltage signal is used interchangeably with the pilot voltage level.
33. Consequently, the Board concludes that dependent claim 6 of auxiliary request 39 does not contravene Article 123(2) EPC.

Auxiliary request 39 - Article 54 EPC

Document D5

34. With respect to novelty over the disclosure of document D5, the Board does not deviate from the opposition division's finding in the contested decision that document D5 fails to disclose feature F1.5, which reads:

"for each of the converter stations, selecting one droop constant of two droop constants, each of the two droop constants having a selected or predefined value corresponding to the sign of the power transmission system power flow parameter,"

35. In particular, the Board is not convinced by the appellant's argument that the real-time adjustment of the droop coefficient by fuzzy logic as disclosed in document D5 (see page 1, lines 52 to 55 of the machine translation D5a) can be interpreted to correspond to the claimed selection from two predetermined or selected droop constants, as argued by the appellant.
36. The appellant argued further that feature 1.5 was not limited to a selection from only two droop constants because the expression "from two" could also refer to more than two droop constants, as, for example, disclosed in document D5. The Board is not convinced by this argument either because the wording of feature 1.5 clearly refers to a selection from only two droop constants. As correctly pointed out by the respondent, the selected droop constant corresponds to the sign of the power transmission system power flow parameter such

that there are only two possibilities for the droop constant. The related counter argument of the appellant that D5 disclosed constants with different magnitudes but having the same sign does not convince the Board in this context. The wording of feature 1.5 is clear in that it "corresponds" to the sign. The appellant's argument however implies that the sign is not the only decisive factor of the selected droop constant such that in addition to the sign also a magnitude would apply. This is clearly not reflected in the wording of feature 1.5. Overall, the Board therefore finds feature 1.5 in the context of claim 1 clearly limited to define two possibilities for the droop constant only.

37. The Board emphasises that feature 1.5 requires the selection of one of exactly two droop constants, each having a predetermined value corresponding solely to the sign of the power-flow parameter. This establishes a strictly binary control regime. D5, by contrast, discloses a fuzzy-logic controller in which the droop value is continuously adjusted within a multi-valued range. Even if membership functions or rule bases in D5 incidentally produce values close to two extremes, the underlying logic remains adaptive and continuous, not binary or sign-based. The skilled person would thus not directly and unambiguously derive the claimed two-constant selection scheme from D5.

38. Likewise, the Board is not convinced by the appellant's argument that "selected" would encompass adjustment. While from an isolated pure linguistic analysis of the word "selected" it might not be excluded that selected also included an adjustment. In the context of feature 1.5 however, this ambiguity does not exist because feature 1.5 explicitly defines selecting one of

two droop constants in the sense of either the one or the other. That is not disclosed in D5.

39. Consequently, the Board arrived at the conclusion that the subject-matter of claim 1 is not anticipated by the disclosure of document D5.

Document D6

40. Regarding the appellant's arguments of lack of novelty based on document D6, the Board could not identify any substantial change with respect to the arguments already presented in the appellant's notice of opposition.
41. According to Article 12(3) RPBA, the statement of grounds of appeal and the reply shall contain a party's complete appeal case. Accordingly, they shall set out clearly and concisely the reasons why it is requested that the decision under appeal be reversed, amended or upheld, and should specify expressly all the requests, facts, objections, arguments and evidence relied on.
42. Indeed, the contested decision contains arguments explaining why the opposition division considered the appellant's objection of lack of novelty over the disclosure of document D6 to be unconvincing.
43. The appellant's submissions concerning lack of novelty over D6 did not contain any substantive development beyond the arguments already presented before the opposition division. Article 12(3) RPBA requires the statement of grounds of appeal to set out clearly and concisely the complete appeal case, including reasons why the contested decision should be reversed. Merely

repeating earlier submissions without addressing the reasoning of the contested decision does not meet this requirement. Under Article 12(5) RPBA, the Board may therefore hold such arguments inadmissible. As the appellant did not engage with the specific findings of the opposition division regarding D6, the Board does not see any justification to admit the objection into the appeal proceedings.

44. The appellant was informed about the corresponding preliminary opinion of the Board in the communication under Article 15(1) RPBA and did not file any further submissions thereafter. The Board is therefore not aware of any reason to deviate from its preliminary opinion.
45. The Board therefore exercised its discretion under Article 12(5) RPBA not to admit the corresponding part of the statement of grounds of appeal dealing with the objection of lack of novelty over document D6 into the appeal proceedings.

Auxiliary request 39 - Article 56 EPC

Document D5 and common general knowledge

46. The Board is not convinced by the appellant's arguments that the subject-matter of claim 1 according to auxiliary request 39 was rendered obvious by a combination of the disclosure of document D5 with the common general knowledge of the person skilled in the art.
47. As already pointed out above with respect to novelty, the Board is not convinced that D5 discloses a

selection of one of two droop constants, as claimed in feature F1.5. To the contrary, D5 explicitly discloses to use a fuzzy logic starting from a selection of ranges instead of predefined values, see for example page 3, line 37 to page 4, line 21 of the machine translation D5a. In several instances D5 explicitly discloses that the droop coefficient is changed gradually and in real time.

48. In the Board's view, this excludes the possibility of selecting one out of two predetermined or selected droop values, as claimed in claim 1. The working principle of D5 is completely different to the claimed subject-matter because fuzzy logic is by definition designed to avoid predetermined operating values. In this context, the Board disagrees with the appellant's argument that because fuzzy logic was a superset of standard Boolean logic and thus a related concept to standard Boolean logic it would be obvious for the person skilled in the art to reduce a fuzzy logic system to standard Boolean logic while seeking to improve liability and to reduce the complexity of the power system.
49. The Board therefore agrees with the respondent and the contested decision that the person skilled in the art would not modify the solution including fuzzy logic as disclosed in D5. The introductory part at the bottom of page 1 of D5a is explicit in that "*[t]he traditional droop control is less flexible and economical under complex conditions due to the fixed droop coefficient*" and that in order to solve this problem "*[t]he fuzzy logic inference method is used to adjust the droop coefficient in real time, so that the droop coefficient is adjusted in real time with the change of the operating conditions of the system.*" At the bottom of

page 2 of D5a it is further specified that *"fuzzy logic is good at dealing with qualitative problems with unclear boundaries"*.

50. Moreover, according to D5a, the values of table 1, which the appellant wishes to be understood as predefined values of droop coefficients, are defined to be ranges, see in particular D5a, page 3, lines 42 to 45: *"In the design of this patent, the DC voltage deviation NL (negative large) ranges from -5% to -2.5%, the NM (negative medium) range is -3.75% to -1.25%, and the NS (negative small) range is -2.5% to 0. Z (zero) ranges from -1.25% to 1.25%, PS (positive) ranges from 0 to 2.5%, PM (median) ranges from 1.25% to 3.75%, and PL (positive) ranges from 2.5% to 5%"* (emphasis added by the Board).
51. Similarly, according to D5a, page 3, lines 52 and 53, *"The range of the drooping coefficient Z (zero) is 4p.u.~6p.u., the range of PS (positive small) is 6p.u.~12p.u., and the range of PM (median) is 8p.u.~14p.u., PL (Zhengda) range is 12p.u.~16p.u."*.
52. The Board interprets these passages of D5a as a clear indication that D5 does not disclose any predetermined droop constants, but that predetermined droop constants shall be replaced by a fuzzy logic inference method.
53. Against this background, the appellant's line of argument that the person skilled in the art would reduce the overall number of droop coefficients in D5 to two is not based on the disclosure of D5 but on hindsight. The Board sees no reason why a person skilled in the art would reduce the performance of a system that D5 itself describes as superior by transforming it into a system with only two

predetermined droop constants. The Board is thus not convinced that the person skilled in the art would modify the system of D5 in a manner that is contrary to what is described as the benefits of the system according to D5. In the Board's view, there is no basis for the appellant's arguments to that effect.

54. For completeness, the Board notes that D5 constitutes the closest prior art. The distinguishing features are those corresponding to the binary selection of droop constants based exclusively on the sign of the power-flow parameter (feature 1.5) and the derivation of the droop parameter from that selection (feature 1.6). The technical effect lies in implementing a simplified control scheme that avoids continuous real-time tuning. The objective technical problem may thus be formulated as "how to provide a less complex and more reliable control scheme for power-flow regulation", as suggested by the appellant. However, D5 teaches in the opposite direction – namely towards an adaptive, continuously tuned behaviour through fuzzy logic. The person skilled in the art would therefore not replace the adaptive control according to D5 with a discrete, binary constant-selection system without hindsight.

55. The Board thus arrived at the conclusion that the subject-matter of claim 1 according to auxiliary request 39 is not rendered obvious by a combination of the disclosure of document D5 with the common general knowledge of the person skilled in the art.

Remaining objections

56. Regarding the remaining objections of lack of inventive step in the appellant's grounds of appeal under points 7.2 to 7.6, the Board notes that the appellant merely reiterated the arguments already filed with the notice of opposition. The appellant was informed in the communication under Article 15(1) RPBA about the corresponding preliminary opinion of the Board that these objections should not be admitted, and did not file any further submissions thereafter. The Board is therefore not aware of any reason to deviate from its preliminary opinion.
57. Thus, for the same reasons as set out above with respect to the objection of lack of novelty over document D6, the Board exercises its discretion under Article 12(5) RPBA not to admit the corresponding parts of the statement of grounds of appeal concerning the objection of lack of inventive step based on the following combinations of documents into the appeal proceedings:
- D1 with D5, D1 with D6, D1 with D9, either D7 or D8 with any of D5, D6 and D9, as well as any of D1, D7 and D8 with any of D10, D11 and D12.
58. No further objections have been validly maintained against auxiliary request 39.
59. Auxiliary request 39 thus meets the requirements of the EPC.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The case is remitted to the opposition division with the order to maintain the patent as amended with the following claims and a description to be adapted thereto:

Claims:

No. 1 to 12 according to auxiliary request 39 filed with the letter dated 14 August 2025

The Registrar:

The Chairman:



K. Boelicke

G. Flyng

Decision electronically authenticated