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**Datasheet for the decision  
of 24 November 2025**

**Case Number:** T 0763/24 - 3.3.09

**Application Number:** 19172128.1

**Publication Number:** 3552817

**IPC:** B32B5/02, B32B5/18, B32B5/24,  
B32B13/04, B32B13/08,  
B32B13/10, B32B13/14,  
B32B21/10, B32B21/02, F16L59/02

**Language of the proceedings:** EN

**Title of invention:**  
INSULATION PRODUCT

**Patent Proprietor:**  
Knauf Insulation SPRL

**Opponents:**  
Dietrich Isol AG  
SOPREMA

**Headword:**  
Knauf/Insulation panel

**Relevant legal provisions:**  
EPC Art. 113(2)

**Keyword:**

Basis of decision - text or agreement to text withdrawn by  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

**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 0763/24 - 3.3.09

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.09**  
**of 24 November 2025**

**Appellant:**  
(Opponent 1)

Dietrich Isol AG  
Industriestrasse  
3700 Spiez (CH)

**Representative:**

Hepp Wenger Ryffel AG  
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9500 Wil (CH)

**Respondent:**  
(Patent Proprietor)

Knauf Insulation SPRL  
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**Representative:**

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ARC-IP sprl  
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**Party as of right:**  
(Opponent 2)

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**Representative:**

Ipsilon  
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**Decision under appeal:**

**Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
3 April 2024 concerning maintenance of the  
European Patent No. 3552817 in amended form.**

**Composition of the Board:**

**Chairman**           A. Haderlein  
**Members:**         S. Arrojo  
                       R. Romandini

## **Summary of Facts and Submissions**

- I. Opponent 1 (appellant) filed an appeal against the decision of the opposition division holding that the claims according to auxiliary request 4 - filed as auxiliary request 3 with a submission dated 22 December 2023 and subsequently renumbered at the oral proceedings - complied with the EPC.
- II. In the reply to the appeal, the patent proprietor (respondent) requested that the appeal be dismissed or, as an auxiliary measure, that the patent be maintained on the basis of one of auxiliary claim requests 1 to 8 filed as annexes thereto.
- III. At the oral proceedings, the appellant confirmed its request to set aside the decision under appeal and to revoke the patent. The respondent withdrew its consent to the text of the patent as granted, as well as all requests on file.

## **Reasons for the Decision**

1. According to Article 113(2) EPC, the EPO shall decide on a European patent only on the basis of the text submitted to it, or agreed, by the patent proprietor.
2. Since the patent proprietor expressly withdrew its consent to the text of the patent as granted, as well as to all requests on file, the proceedings must be terminated with a decision ordering the revocation of the patent, without the need to address the substantive

issues (see Case Law of the Boards of Appeal, 11th edition, 2025, 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:



K. Götz-Wein

A. Haderlein

Decision electronically authenticated