

Internal distribution code:

- (A) [-] Publication in OJ
- (B) [-] To Chairmen and Members
- (C) [-] To Chairmen
- (D) [X] No distribution

**Datasheet for the decision
of 22 January 2026**

Case Number: T 1084/24 - 3.5.04

Application Number: 20194910.4

Publication Number: 3767950

IPC: H04N19/423, H04N19/44,
H04N19/573, H04N19/58,
H04N19/70, H04N19/00

Language of the proceedings: EN

Title of invention:

TRACKING A REFERENCE PICTURE BASED ON A DESIGNATED PICTURE ON
AN ELECTRONIC DEVICE

Patent Proprietor:

Dolby International AB

Opponent:

Unified Patents, LLC

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Basis of decision - text or agreement to text withdrawn by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
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0

Case Number: T 1084/24 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 22 January 2026

Appellant:
(Patent Proprietor)
Dolby International AB
77 Sir John Rogerson's Quay
Block C
Grand Canal Docklands
Dublin, D02 VK60 (IE)

Representative:
Peterreins Schley
Patent- und Rechtsanwälte PartG mbB
Hermann-Sack-Straße 3
80331 München (DE)

Appellant:
(Opponent)
Unified Patents, LLC
4445 Willard Avenue
Suite 600
Chevy Chase, MD 20815 (US)

Representative:
HGF
HGF Limited
4th Floor, 1 City Square
Leeds LS1 2ES (GB)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
19 June 2024 concerning maintenance of the
European Patent No. 3767950 in amended form.**

Composition of the Board:

Chair B. Willems
Members: B. Le Guen
G. Decker

Summary of Facts and Submissions

- I. The patent proprietor and the opponent both filed appeals against the opposition division's interlocutory decision that European patent No. 3 767 950 as amended on the basis of the claims of auxiliary request 1 filed during the oral proceedings held on 21 May 2024 met the requirements of the EPC.
- II. The patent proprietor initially requested that the decision under appeal be set aside and that the patent be maintained on the basis of the claims of the main request on which the decision under appeal was based or, alternatively, auxiliary request 1 filed with the statement of grounds of appeal or one of auxiliary requests 2 to 7 which correspond to auxiliary requests 1 to 6 which were on file at the time the decision under appeal was taken, or one of auxiliary requests 8 to 11 filed with its reply of 24 February 2025.
- III. The opponent (appellant) initially requested that the decision under appeal be set aside and the patent be revoked.
- IV. 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.
- V. At the oral proceedings on 22 January 2026, 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

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 patent proprietor's statement at the oral proceedings before the board, 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 patent 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 Chair:



K. Boelicke

B. Willems

Decision electronically authenticated