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**Datasheet for the decision
of 19 June 2026**

Case Number: T 1204/24 - 3.3.09

Application Number: 14888731.8

Publication Number: 3129225

IPC: B32B27/32, B32B7/08

Language of the proceedings: EN

Title of invention:

ORIENTED POLYETHYLENE FILMS AND A METHOD FOR MAKING THE SAME

Patent Proprietor:

Dow Global Technologies LLC

Opponents:

SABIC Global Technologies B.V. /
SABIC Petrochemicals B.V.
TotalEnergies One Tech

Headword:

Oriented polyethylene films/DOW GLOBAL TECHNOLOGIES

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Withdrawal of approval to the text of the patent

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 1204/24 - 3.3.09

D E C I S I O N
of Technical Board of Appeal 3.3.09
of 19 June 2026

Appellant:
(Opponent 1)
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SABIC Petrochemicals B.V.
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Representative:
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Appellant:
(Opponent 2)
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Representative:
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Respondent:
(Patent Proprietor)
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Representative:
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted/
electronically transmitted on 26 July 2024
concerning maintenance of the European Patent
No. 3129225 in amended form.**

Composition of the Board:

Chairman	A. Haderlein
Members:	C. Meiners
	L. Basterreix

Summary of Facts and Submissions

- I. This decision concerns the appeals filed by opponents 1 and 2 against the opposition division's interlocutory decision, finding that, on the basis of the fourth auxiliary request then on file, the patent met the requirements of the EPC.
- II. Following the withdrawal of its appeal by opponent 1, opponent 2 remains the sole appellant in the appeal proceedings. Opponent 1 is thus a party as of right to the proceedings (Article 107 EPC).
- III. During the appeal proceedings, the patent proprietor (respondent) initially requested that the appeal be dismissed as its main request. As an auxiliary measure, it requested that the patent be maintained on the basis of one of auxiliary requests 1 to 23 filed with the reply to opponent 2's statement setting out the grounds of appeal.
- IV. By letter dated 8 June 2026, the patent proprietor declared that it no longer approved the text in which the patent was granted and as maintained in amended form and that it would not submit an amended text. It also withdrew its main request and auxiliary requests 1 to 23.
- V. Opponent 2 requested that the decision under appeal be set aside and that the patent be revoked.

Reasons for the Decision

1. Under Article 113(2) EPC, the European Patent Office shall examine, and decide upon, the European patent only in the text submitted to it, or agreed, by the patent proprietor. This principle, according to which the text of the patent is at the disposition of the patent proprietor, must be strictly observed also in opposition and opposition appeal proceedings.
2. As the patent proprietor no longer approves the text of the patent as granted and as maintained in amended form and does not pursue the patent according to any auxiliary request, there is no text of the patent on which the board can base its consideration of opponent 2's appeal.
3. If the proprietor of a European patent states in opposition or appeal proceedings that it no longer approves the text in which the patent was granted and does not submit any amended text, the patent is to be revoked (Case Law of the Boards of Appeal, 11th edition 2026, IV.D.2, third paragraph and III.B.3.3, first paragraph). The patent must therefore be revoked, without any preceding substantive examination.

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