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Datasheet for the decision of 30 June 2026

Case Number: T 1283/24 - 3.2.05

Application Number: 19169100.5

Publication Number: 3557000

IPC: F01D9/00, F01D21/14, F01D25/18, F01D25/20

Language of the proceedings: EN

Title of invention:
Auxiliary oil system for geared gas turbine engine

Patent Proprietor:
RTX Corporation

Opponent:
Safran Aircraft Engines

Relevant legal provisions:
EPC Art. 113(2)

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Basis of decision - text or agreement to text withdrawn by patent proprietor - patent revoked

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Case Number: T 1283/24 - 3.2.05

D E C I S I O N
of Technical Board of Appeal 3.2.05
of 30 June 2026

Respondent: (Patent Proprietor)	RTX Corporation 10 Farm Springs Road Farmington, CT 06032 (US)
Representative:	Dehns 10 Old Bailey London EC4M 7NG (GB)
Appellant: (Opponent)	Safran Aircraft Engines Rond Point René Ravaud Réau 77550 Moissy-Cramayel (FR)
Representative:	Regimbeau 20, rue de Chazelles 75847 Paris Cedex 17 (FR)
Decision under appeal:	**Interlocutory decision of the Opposition Division of the European Patent Office posted/ electronically transmitted on 12 August 2024 concerning maintenance of the European Patent No. 3557000 in amended fo rm.**

Composition of the Board:

Chairman	P. Lanz
Members:	M. Dorfstätter
	J. Hoppe

Summary of Facts and Submissions

I. Appeals were filed by the opponent and the patent proprietor against the interlocutory decision of the opposition division, in which it found that, account being taken of the amendments made by the patent proprietor during the opposition proceedings in auxiliary request 3, the European patent EP 3 557 000 met the requirements of the EPC.

II. The appellant (opponent) requested that the decision under appeal be set aside and the European patent be revoked.

III. In the written appeal proceedings, the appellant (patent proprietor) requested that the decision under appeal be set aside and the patent be maintained as granted (main request),
or as an auxiliary measure
that the patent be maintained in amended form on the basis of one of auxiliary requests 1 or 2, or that the opponent's appeal be dismissed (the latter corresponding to auxiliary request 3), whereby auxiliary requests 1-3 were refiled with the patent proprietor's statement of grounds of appeal;
as a further auxiliary measure (in case the board decided that the subject-matter of claim 1 as granted were to be found not new over D1 based on an interpretation labelled 'A' in the patent proprietor's letter of 26 June 2026), that the patent be maintained in amended form on the basis of auxiliary request A filed with letter dated 26 June 2026.

IV. The Board issued a summons to oral proceedings and a subsequent communication indicating its preliminary view on several issues of the case.

V. During the oral proceedings the patent proprietor withdrew its appeal and its higher ranking requests going beyond auxiliary request 3. It thereby became respondent in the appeal proceedings.

VI. At the end of the oral proceedings the respondent (patent proprietor) withdrew its only remaining request, i.e. auxiliary request 3, and its approval of any text for maintenance of the patent.

Reasons for the Decision

1. Pursuant to Article 113(2) EPC, the EPO shall examine, and decide upon a European patent only in the text submitted to it, or agreed, by the patent proprietor. Such an agreement cannot be deemed to exist where the patent proprietor states that it no longer approves the text of the patent, withdraws all pending requests, and proposes no text for maintenance of the patent.

2. In such a case, there is no text of the patent on the basis of which the Board can consider the appeal. Under these circumstances, the proceedings are to be terminated by a decision ordering revocation of the patent, without examination as to patentability (see e.g. Case Law of the Boards of Appeal of the European Patent Office, 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:

N. Schneider P. Lanz

Decision electronically authenticated