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

**Case Number:** T 1388/24 - 3.3.02

**Application Number:** 16175138.3

**Publication Number:** 3257929

**IPC:** C11D3/37, C11D3/00, C11D3/20

**Language of the proceedings:** EN

**Title of invention:**  
AUTOMATIC DISHWASHING DETERGENT COMPOSITION

**Patent Proprietor:**  
The Procter & Gamble Company

**Opponents:**  
Henkel AG & Co. KGaA  
Reckitt Benckiser Finish B.V.

**Headword:**

**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Basis of decision - text or agreement to text withdrawn by  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

**Catchword:**



**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 1388/24 - 3.3.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.02**  
**of 22 June 2026**

**Appellant I:** Henkel AG & Co. KGaA  
(Opponent 1) Henkelstraße 67  
40589 Düsseldorf (DE)

**Representative:** Henkel AG & Co. KGaA  
CLI Patente  
40191 Düsseldorf (DE)

**Appellant II:** Reckitt Benckiser Finish B.V.  
(Opponent 2) Siriusdreef 14  
2132 WT Hoofddorp (NL)

**Representative:** Dietz, Mirko  
Reckitt Benckiser  
Corporate Services Limited  
Legal Department - Patents Group  
Dansom Lane  
Hull HU8 7DS (GB)

**Respondent:** The Procter & Gamble Company  
(Patent Proprietor) One Procter & Gamble Plaza  
Cincinnati, OH 45202 (US)

**Representative:** Gill Jennings & Every LLP  
The Broadgate Tower  
20 Primrose Street  
London EC2A 2ES (GB)

**Decision under appeal:** **Decision of the Opposition Division of the European Patent Office posted/electronically transmitted on 16 October 2024 rejecting the oppositions filed against European patent No. 3257929 pursuant to Article 101(2) EPC.**

**Composition of the Board:**

**Chairman**            M. O. Müller  
**Members:**            S. Bertrand  
                             M. Blasi

## **Summary of Facts and Submissions**

- I. The appeals by opponents 1 and 2 are against the decision of the opposition division rejecting the oppositions filed against European patent No. 3 257 929.
- II. The patent proprietor requested, as its main request, that the patent be maintained as granted, implying that the oppositions be rejected, or alternatively in amended form on the basis of one of the sets of claims of auxiliary requests 1 to 6. The opponents requested that the patent be revoked.
- III. The board summoned the parties to oral proceedings as per their requests and issued a communication pursuant to Article 15(1) RPBA setting out its preliminary opinion.
- IV. By letter dated 24 March 2026, the patent proprietor stated that it no longer approved the text in which the patent was granted, and informed the board that it would not be submitting an amended text. It also withdrew all its pending requests.
- V. Oral proceedings were subsequently cancelled.

## **Reasons for the Decision**

1. According to 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 proprietor of the patent.

2. In view of the patent proprietor's statement in its letter dated 24 March 2026, there is no text approved by the patent proprietor on the basis of which the board could examine the appeal and decide whether a ground for opposition prejudices maintenance of the patent. In the absence of such an approved text, a decision on the merits is no longer possible, since substantive examination is precluded.
3. According to the established case law of the Boards of Appeal, in these circumstances the proceedings are to be terminated by a decision ordering revocation of the patent, without examining the substantive issues, since the patent proprietor is no longer defending any text and the patent cannot be maintained against the proprietor's will (see decision T 73/84, OJ EPO 1985, 241, 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. Moreover, there were no further issues which the board had to decide on in these appeal proceedings.
5. As revocation of the patent also complies with the opponents' requests, the decision was taken in writing.

**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:



U. Bultmann

M. O. Müller

Decision electronically authenticated