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**Datasheet for the decision
of 12 March 2026**

Case Number: T 1497/24 - 3.3.02

Application Number: 18164734.8

Publication Number: 3388495

IPC: C09K5/04, C10M171/00, B60H1/00

Language of the proceedings: EN

Title of invention:
COMPOSITIONS COMPRISING A FLUOROOLEFIN

Patent Proprietor:
The Chemours Company FC, LLC

Opponents:
AGC Inc.
Suzuki France
Suzuki Motor Corporation

Headword:

Relevant legal provisions:
EPC Art. 113(2)

Keyword:
No text of the patent approved by the patent proprietor

Decisions cited:

T 0073/84

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 1497/24 - 3.3.02

D E C I S I O N
of Technical Board of Appeal 3.3.02
of 12 March 2026

Appellant: The Chemours Company FC, LLC
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Appellant: Suzuki France
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Appellant: Suzuki Motor Corporation
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Party as of right: AGC Inc.
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
20 December 2024 concerning maintenance of the
European Patent No. 3388495 in amended form.**

Composition of the Board:

Chairman	M. O. Müller
Members:	M. Maremonti
	M. Blasi
	P. O'Sullivan
	R. Romandini

Summary of Facts and Submissions

- I. The appeals by the patent proprietor and interveners/opponents 4 and 5 are against the opposition division's interlocutory decision, according to which European patent No. 3 388 495 ("the patent") as amended in the form of auxiliary request 2, the claims of which were filed during the oral proceedings, and the invention to which it relates, meets the requirements of the EPC.
- II. In their statements of grounds of appeal, their replies to the patent proprietor's appeal, and a further submission, opponents 4 and 5 submitted that the claimed subject-matter extended beyond the content of the earliest application as filed, did not enjoy the claimed priority dates, lacked novelty and lacked inventive step. They requested that the appealed decision be set aside and that the patent be revoked in its entirety.
- III. Opponent 2, party to the appeal proceedings as of right under Article 107 EPC, requested that the patent proprietor's appeal be dismissed.
- IV. In its statement of grounds of appeal and its reply to the appeals of opponents 4 and 5, the patent proprietor rebutted the arguments of the opponents and requested that the appealed decision be set aside and that the patent be maintained as granted, i.e. that the oppositions be rejected. Alternatively, the patent proprietor requested that the patent be maintained in amended form on the basis of the claims of one of auxiliary requests 1 to 4 filed with the statement of grounds of appeal.
- V. The board summoned the parties to oral proceedings to be held on 16 to 18 March 2026.

- VI. By letter dated 4 March 2026, the patent proprietor withdrew its approval of the text of the patent in any form and withdrew all requests pending in appeal proceedings. Moreover, it stated that a replacement text will not be submitted and that revocation of the patent without reference to any substantive issues was expected.
- VII. By communication dated 10 March 2026, the board cancelled the oral proceedings.

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 proprietor of the patent.
2. Since the patent proprietor withdrew its approval of the text of the patent in any form and also withdrew all claim requests on file, there is no text of the patent submitted or agreed by the patent proprietor, on the basis of which the board can consider compliance with the requirements of the EPC.
3. It is established case law of the Boards of Appeal (see e.g. T 73/84, OJ EPO 1985, page 241 and the decisions cited in the Case Law of the Boards of Appeal, 11th Edition 2025, III.B.3.3 and IV.D.2) that under these circumstances the patent is to be revoked without further substantive examination. There are also no ancillary issues that would have to be dealt with by the board in the present 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 Chairman:



U. Bultmann

M. O. Müller

Decision electronically authenticated