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Datasheet for the decision of 10 September 2026

Case Number: T 0010/25 - 3.5.05

Application Number: 19157184.3

Publication Number: 3503589

IPC: H04R25/00

Language of the proceedings: EN

Title of invention:
A hearing aid having combined antennas

Patent Proprietor:
GN Hearing A/S

Opponents:
Oticon A/S / Widex A/S

Headword:
All claim requests withdrawn/GN HEARING

Relevant legal provisions:
EPC Art. 113(2)

Keyword:
Revocation of the patent - (yes): proprietor withdraws all claim requests on file

This datasheet is not part of the Decision
It can be changed at any time and without notice

Decisions cited:
T 0073/84, T 2405/12

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Boards of Appeal

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Case Number: T 0010/25 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 10 September 2026

Appellants: (Opponents)	Oticon A/S / Widex A/S Kongebakken 9 Nymøllevej 6 2765 Smørum / 3540 Lynge (DK)
Representative:	Cohausz & Florack Patent- & Rechtsanwälte Partnerschaftsgesellschaft mbB Bleichstraße 14 40211 Düsseldorf (DE)
Respondent: (Patent Proprietor)	GN Hearing A/S Lautrupbjerg 7 2750 Ballerup (DK)
Representative:	GN Store Nord A/S Lautrupbjerg 7 2750 Ballerup (DK)
Decision under appeal:	**Interlocutory decision of the Opposition Division of the European Patent Office posted/electronically transmitted on 29 October 2024 concerning maintenance of the European Patent No. 3503589 in amended form.**

Composition of the Board:

Chair	K. Bengi-Akyürek
Members:	K. Peirs
	F. Bostedt

Summary of Facts and Submissions

I. The opponents' appeal lies from the interlocutory decision of the opposition division to maintain the opposed patent in amended form (Article 101(3)(a) EPC).

II. During the oral proceedings before the board held on 10 September 2026, the patent proprietor withdrew all the claim requests on file, including the claim request on the basis of which the patent was maintained by the opposition division in the decision under appeal. It did not file any new claim requests during these oral proceedings.

Reasons for the Decision

1. Under Article 113(2) EPC, the EPO shall consider and decide upon the patent only in the text submitted to it, or agreed, by the proprietor of the patent.

2. In the present case, such a text is absent for the following reasons.

2.1 During the oral proceedings before the board, the patent proprietor withdrew all of its claim requests, including the claim request on the basis of which the patent was maintained by the opposition division in the decision under appeal (cf. point II above, first sentence). This means that the patent proprietor's agreement to the text of the patent within the meaning of Article 113(2) EPC has effectively been withdrawn.

2.2 Moreover, the patent proprietor did not submit any amended text during these oral proceedings (cf.

point II above, second sentence).

3. Consequently, there is no text of the opposed patent on the basis of which the board can consider the appeal. It is generally accepted that the patent is then to be revoked (cf. **T 73/84**, Reasons 2; **T 2405/12**, Reasons 2 to 4).

4. Hence, also in this case, the opposed patent is to be revoked.

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 K. Bengi-Akyürek

Decision electronically authenticated