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**Datasheet for the decision
of 6 May 2026**

Case Number: T 0059/25 - 3.3.09

Application Number: 14744571.2

Publication Number: 3027066

IPC: A23L33/17, A23J1/10, A23J3/30,
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A23K20/142, A23K20/147,
A23K50/40, A23K50/80, A61K8/65,
A61Q19/00, A23K10/26

Language of the proceedings: EN

Title of invention:
METHOD FOR PRODUCING HYDROLYSED KERATINACEOUS MATERIAL

Patent Proprietor:
Tessengerlo Group NV

Opponents:
SiccaDania A/S
G. Larsson Starch Technology AB
SARIA International GmbH
Darling Ingredients International Rendering and
Specialties B.V.

Headword:
Method for producing hydrolysed keratinaceous material/
TESSENDERLO

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Basis of decision - text or agreement to text withdrawn by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



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
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Case Number: T 0059/25 - 3.3.09

D E C I S I O N
of Technical Board of Appeal 3.3.09
of 6 May 2026

Appellant:
(Opponent 3)

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Representative:

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Appellant:
(Opponent 4)

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Respondent:
(Patent Proprietor)

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(Opponent 1)

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(Opponent 2)

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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted/
electronically transmitted on 15 November 2024
concerning maintenance of the European Patent
No. 3027066 in amended form.

Composition of the Board:

Chairman A. Haderlein
Members: F. Rinaldi
N. Obrovski

Summary of Facts and Submissions

- I. This decision concerns the appeals filed by opponents 3 and 4 against the opposition division's interlocutory decision that the European patent as amended met the requirements of the EPC.
- II. With their respective statement setting out the grounds of appeal, opponents 3 and 4 requested that the decision under appeal be set aside and that the patent be revoked.
- III. By letter dated 5 May 2026, the patent proprietor stated, among other things, that it no longer approved of the text in which the patent was granted. It also requested that the patent be revoked and that the proceedings be terminated.

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. This principle, according to which the text of the patent is at the disposition of the proprietor, has to be strictly observed also in opposition and opposition appeal proceedings.
2. The patent proprietor clearly and unambiguously declared that it no longer approved of the text of the patent. From its clear and unambiguous request that the patent be revoked and that the proceedings be

terminated, it follows that the patent proprietor does not maintain the auxiliary claim requests on file either. Hence, there is no text of the patent on which the board can base its consideration of the appeals filed by opponents 3 and 4. Therefore, the patent has to be revoked (Case Law of the Boards of Appeal, 11th edition 2025, IV.D.2, second paragraph and III.B.3.3, first paragraph).

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