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**Datasheet for the decision
of 21 May 2026**

Case Number: T 0282/25 - 3.3.04

Application Number: 19197485.6

Publication Number: 3656443

IPC: A61K39/39, A61K39/395,
A61K45/06, A61K31/4745,
A61K31/713, A61K35/15,
A61P7/00, A61P35/00, C07K16/18,
C07K16/28, A61K31/519

Language of the proceedings: EN

Title of invention:
TRL agonist

Patent Proprietor:
The Board of Trustees of the Leland Stanford
Junior University

Opponents:
Genmab A/S
Pfizer Inc.

Headword:
TRL agonist/LELAND STANFORD JUNIOR UNIVERSITY

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Basis of decision - text or agreement to text withdrawn by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



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
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Case Number: T 0282/25 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 21 May 2026

Appellant I:

(Opponent 1)

Genmab A/S
Kalvebod Brygge 43
1560 Copenhagen V (DK)

Representative:

J A Kemp LLP
80 Turnmill Street
London EC1M 5QU (GB)

Appellant II:

(Opponent 2)

Pfizer Inc.
66 Hudson Boulevard East
New York, NY 10001-2192 (US)

Representative:

Pfizer
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75668 Paris Cedex 14 (FR)

Respondent:

(Patent Proprietor)

The Board of Trustees of the Leland Stanford
Junior University
Office of the General Counsel
Building 170, Third Floor, Main Quad
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Stanford, CA 94305-2038 (US)

Representative:

Carpmaels & Ransford LLP
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London WC1B 5HA (GB)

Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted/
electronically transmitted on 17 December 2024
concerning maintenance of the European Patent
No. 3656443 in amended form.**

Composition of the Board:

Chairwoman M. Pregetter
Members: A. Chakravarty
 M. Blasi

Summary of Facts and Submissions

- I. Opponents 1 and 2 filed appeals against the opposition division's interlocutory decision that the patent as amended according to auxiliary request 1, and the invention to which it relates, met the requirements of the EPC. They request that the decision under appeal be set aside and the patent be revoked. The patent proprietor is respondent to the appeals.
- II. The board appointed oral proceedings for 14 January 2027.
- III. In a letter dated 20 May 2026, the patent proprietor stated that it withdrew its approval of the text in which European Patent No. 3656443 was granted. It further stated that it would not be filing a replacement text and also withdrew all requests pending in the appeal proceedings.

Reasons for the Decision

1. The appeals are admissible.
2. According to Article 113(2) EPC, the EPO shall examine and decide on the European patent only in the text submitted to it, or agreed upon, by the proprietor of the patent.
3. In view of the respondent-patent proprietor's statement in its letter of 20 May 2026, there is no approved text on the basis of which the board could consider the appeals and examine whether the patent as amended, and the invention to which relates, complies with the EPC.

4. According to the 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 assessing issues relating to patentability (see e.g. decision T 73/84 and Case Law of the Boards of Appeal of the European Patent Office, 11th edition 2025, III.B.3.3 and IV.D.2).
5. There are no remaining issues that need to be dealt with by the board in the present appeal case.
6. As revocation of the patent is the appellants' main request, this decision can be taken without the need to hold oral proceedings.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:

The Chairwoman:



I. Aperribay

M. Pregetter

Decision electronically authenticated