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**Datasheet for the decision
of 10 June 2026**

Case Number: T 0574/25 - 3.3.05

Application Number: 19752306.1

Publication Number: 3827108

IPC: C22C21/02, C22F1/043

Language of the proceedings: EN

Title of invention:

HIGHLY FORMABLE, RECYCLED ALUMINUM ALLOYS AND METHODS OF
MAKING THE SAME

Patent Proprietor:

Novelis, Inc.

Opponents:

C-TEC CONSTELLIUM TECHNOLOGY CENTER /
CONSTELLIUM NEUF-BRISACH
Speira GmbH

Headword:

Recycled aluminum alloys/NOVELIS

Relevant legal provisions:

EPC Art. 113(2)
EPC R. 103(4)(c)

Keyword:

Basis of decision - text or agreement to text withdrawn by
patent proprietor - patent revoked
Reimbursement of 25% of appeal fee - (yes)

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
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Case Number: T 0574/25 - 3.3.05

D E C I S I O N
of Technical Board of Appeal 3.3.05
of 10 June 2026

Respondent:

(Patent Proprietor)

Novelis, Inc.
3560 Lenox Road, Suite 2000
Atlanta, GA 30326 (US)

Representative:

Weickmann & Weickmann PartmbB
Postfach 860 820
81635 München (DE)

Appellants:

(Opponents 1)

C-TEC CONSTELLIUM TECHNOLOGY CENTER /
CONSTELLIUM NEUF-BRISACH
Boîte Postale CS10027 / ZIP RHENANE NORD
Parc Economique Centr'Alp
725, Rue Arstide Berges / RD 52
38341 Voreppe / 68600 Biesheim (FR)

Representative:

Constellium - Propriété Industrielle
C-TEC Constellium Technology Center
Propriété Industrielle
Parc Economique Centr'Alp
725, rue Aristide Bergès
CS10027
38341 Voreppe (FR)

Party as of right:

(Opponent 2)

Speira GmbH
Aluminiumstrasse 1
41515 Grevenbroich (DE)

Representative:

Cohausz & Florack
Patent- & Rechtsanwälte
Partnerschaftsgesellschaft mbB
Bleichstraße 14
40211 Düsseldorf (DE)

Decision under appeal:

Interlocutory decision of the Opposition
Division of the European Patent Office posted/

electronically transmitted on 17 February 2025
concerning maintenance of the European Patent
No. 3827108 in amended form.

Composition of the Board:

Chair	G. Glod
Members:	T. Burkhardt
	S. Fernández de Córdoba

Summary of Facts and Submissions

- I. The opponents 1's (appellants') appeal lies from the opposition division's decision that in amended form, on the basis of auxiliary request 4, the patent meets the requirements of the EPC.
- II. Before a date for oral proceedings had been set or a communication had been issued by the board, the patent proprietor (respondent) withdrew their appeal and stated that they no longer approved the text of the patent as granted, the text in which the patent had been maintained in opposition proceedings, or the text of any auxiliary request on file. They further announced that they would not submit an amended text.
- III. Opponent 2 is a party as of right.
- IV. The appellants request that the decision under appeal be set aside and that the patent be revoked. They withdrew their request for oral proceedings within one month of notification of the communication issued by the board in preparation for the oral proceedings, and request a 25% reimbursement of the appeal fee.
- V. The board cancelled the oral proceedings.

Reasons for the Decision

1. Article 113(2) EPC
 - 1.1 Under Article 113(2) EPC, the European Patent Office must examine and decide upon the European patent only in the text submitted to it, or agreed, by the proprietor of the patent.
 - 1.2 In the case at hand, the respondent no longer approves the text of the patent in suit according to any of the requests and does not intend to submit any further amended text.
 - 1.3 There is therefore no text of the patent on the basis of which the board can consider the present appeal.
 - 1.4 Under these circumstances the patent can only be revoked, as envisaged in Article 101 EPC (Case Law of the Boards of Appeal, 11th ed. 2026, IV.D.2).
2. Rule 103 EPC
 - 2.1 As the respondent withdrew their appeal before a date for oral proceedings had been set and before the board had issued a communication in preparation of oral proceedings, the respondent's appeal fee is reimbursed at 50% (Rule 103(3)(c) EPC).
 - 2.2 The appellants withdrew their request for oral proceedings within one month of notification of the communication issued by the board in preparation for

the oral proceedings, and no oral proceedings are to take place. Consequently, the appellants' appeal fee is reimbursed at 25% (Rule 103(4)(c) EPC).

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:



C. Vodz

G. Glod

Decision electronically authenticated