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**Datasheet for the decision
of 8 May 2026**

Case Number: T 0225/26 - 3.3.07

Application Number: 19729180.0

Publication Number: 3793533

IPC: A61K9/20

Language of the proceedings: EN

Title of invention:

A TABLET DOSAGE FORM FOR BUCCAL ABSORPTION OF ACTIVE
INGREDIENTS

Patent Proprietor:

Fertin Pharma A/S

Opponent:

Nicoventures Trading Limited

Headword:

Tablet dosage form / FERTIN PHARMA

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Basis of decision - text or agreement to text withdrawn by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 0225/26 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 8 May 2026

Appellant: Nicoventures Trading Limited
(Opponent) Globe House
1 Water Street
London WC2R 3LA (GB)

Representative: D Young & Co LLP
3 Noble Street
London EC2V 7BQ (GB)

Respondent: Fertin Pharma A/S
(Patent Proprietor) Dandyvej 19
7100 Vejle (DK)

Representative: Hoffmann Eitle
Patent- und Rechtsanwälte PartmbB
Arabellastraße 30
81925 München (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted/
electronically transmitted on 4 December 2025
concerning maintenance of the European Patent
No. 3793533 in amended form.**

Composition of the Board:

Chairman A. Uselli
Members: E. Duval
S. Ruhwinkel

Summary of Facts and Submissions

- I. The appeal was filed by the opponent (appellant) against the interlocutory decision of the opposition division finding that, on the basis of the main request filed on 19 August 2024, the patent met the requirements of the EPC.
- II. The appellant requested that the decision under appeal be set aside and the patent be revoked in its entirety.
- III. By letter dated 6 May 2026, the patent proprietor (respondent) withdrew their consent to the text intended for grant and announced that they would not be responding to the grounds of appeal.

Reasons for the Decision

1. According to Article 113(2) EPC, the European Patent Office shall examine, and decide upon, the European patent application or the European patent only in the text submitted to it, or agreed, by the applicant or the proprietor of the patent.
2. By letter dated 6 May 2026, the patent proprietor disapproved of the text intended for grant (which the Board understands to refer to the request allowed by the opposition division), and expressed their understanding that this would lead the Board of Appeal to revoke the opposed patent. The patent proprietor did not file any other request. There is therefore no approved text of the patent on the basis of which the patent could be maintained.

3. According to established case law, in these circumstances, a substantive requirement for maintaining the patent is lacking and the proceedings are to be terminated by a decision ordering revocation, without going into the substantive issues (see the Case Law of the Boards of Appeal, 11th edition, 2025, III.B.3.3, in particular T 1233/19).

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:



B. Atienza Vivancos

A. Usuelli

Decision electronically authenticated