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**Datasheet for the decision
of 25 January 2018**

Case Number: T 2085/14 - 3.3.09

Application Number: 98949403.4

Publication Number: 1023003

IPC: B32B27/06, A61N1/20

Language of the proceedings: EN

Title of invention:

MULTILAYER CONDUCTIVE APPLIANCE HAVING WOUND HEALING AND
ANALGESIC PROPERTIES

Patent Proprietor:

Argentum International, LLC

Opponent:

Paul Hartmann AG

Headword:

Disapproval of text; termination of the appeal proceedings;
patent remains revoked

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Decisions cited:

T 0073/84, T 0703/03

Catchword:



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Case Number: T 2085/14 - 3.3.09

D E C I S I O N
of Technical Board of Appeal 3.3.09
of 25 January 2018

Appellant: Argentum International, LLC
(Patent Proprietor) 36 Lake Rabun Road
Lakemont, GA 30552-2208 (US)

Representative: Potter Clarkson LLP
The Belgrave Centre
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Respondent: Paul Hartmann AG
(Opponent) Paul-Hartmann-Strasse 12
89522 Heidenheim (DE)

Representative: DREISS Patentanwälte PartG mbB
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 30 July 2014
revoking European patent No. 1023003 pursuant to
Articles 101(2) and 101(3) (b) EPC.**

Composition of the Board:

Chairman W. Sieber
Members: N. Perakis
F. Blumer

Summary of Facts and Submissions

- I. This decision concerns the appeal filed by the patent proprietor against the decision of the opposition division to revoke European patent No. 1 023 003.
- II. The appellant/patent proprietor requested that the decision be set aside and that the patent be maintained as granted or alternatively on the basis of any of the auxiliary requests 1 to 9 filed with the statement setting out the grounds of appeal. Further auxiliary requests were submitted with letter of 14 June 2016.
- III. The opponent/respondent requested that the appeal be dismissed.
- IV. Oral proceedings were arranged to take place on 13 February 2018.
- V. With letter of 11 December 2017 the appellant/patent proprietor declared that "The Patentee hereby expressly disapproves of the text of the granted patent, and is not offering any alternative text".
- VI. Thereafter the oral proceedings were cancelled.

Reasons for the Decision

1. Article 113(2) EPC requires that the European Patent Office decide upon the European patent only in the text submitted to it, or agreed, by the proprietor of the patent.
2. Agreement cannot be deemed to be given and the opposed patent must be revoked if the proprietor, without

submitting an amended text, expressly states that he/she no longer approves the text of the patent as granted or previously amended (T 73/84 OJ 1985, 241).

3. In the present situation, where the patent has been revoked by the decision under appeal and where there is no text of the patent on which basis the Board can consider the appeal of the appellant/patent proprietor, the proceedings are to be terminated by a decision ordering the dismissal of the appeal, without going into the substantive issues (T 703/03).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:



M. Cañueto Carbajo

W. Sieber

Decision electronically authenticated