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**Datasheet for the decision
of 18 September 2018**

Case Number: T 0310/15 - 3.3.10
Application Number: 08168778.2
Publication Number: 2062866
IPC: C07C17/087, C07C17/21,
C07C17/25, C07C21/18, C07C19/08
Language of the proceedings: EN

Title of invention:

Gas phase synthesis of 2,3,3,3-tetrafluoro-1-propene from 2-chloro-3,3,3-trifluoro-1-propene

Patent Proprietor:

Honeywell International Inc.

Opponents:

Arkema France
Mexichem Amanco Holding S.A. de C.V.

Headword:

Gas phase synthesis of 2,3,3,3-tetrafluoro-1-propene /Honeywell

Relevant legal provisions:

EPC Art. 111(1), 113(2)

Keyword:

Basis of decision - agreement to text withdrawn by patent proprietor

Decisions cited:

T 0073/84

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
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Case Number: T 0310/15 - 3.3.10

D E C I S I O N
of Technical Board of Appeal 3.3.10
of 18 September 2018

Appellant II: Arkema France
(Opponent 1) DRD/Département Propriété Industrielle
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Representative: Dang, Doris
ARKEMA France
Département Propriété Industrielle
420, rue d'Estienne d'Orves
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Appellant I: Mexichem Amanco Holding S.A. de C.V.
(Opponent 2) Rio San Javier No. 10
Fraccionamiento Viveros del Rio
Tlalnepantla, Estado de Mexico C.P. 54060 (MX)

Representative: Potter Clarkson LLP
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Respondent: Honeywell International Inc.
(Patent Proprietor) 101 Columbia Road
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Representative: Crooks, Elizabeth Caroline
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 18 December
2014 rejecting the opposition filed against**

European patent No. 2062866 pursuant to Article
101(2) EPC.

Composition of the Board:

Chairman P. Gryczka
Members: J.-C. Schmid
 T. Bokor

Summary of Facts and Submissions

- I. Appellants I and II (opponents 2 and 1, respectively) lodged an appeal against the decision of the Opposition Division rejecting their opposition against European patent No. 2062866.
- II. With a letter electronically filed on 17 September 2018 the Proprietor of the patent-in-suit (Respondent) informed the Board that it did not approve the text upon which the patent was granted and declared that it understood that the patent would be revoked and the oral proceedings scheduled for 6 December 2018 would be cancelled.
- III. The Appellants requested that the decision under appeal be set aside and that the patent be revoked.

Reasons for the Decision

1. The appeals are admissible.
2. In accordance with Article 113(2) EPC, the EPO can maintain a patent only on the basis of a text agreed by the proprietor of the patent.
3. The Proprietor of the patent indicated that it did not agree to the text of the patent as granted and did not propose any other text for the maintenance of the patent-in-suit in an amended form. Under such circumstances, where a fundamental requirement for maintaining the patent is lacking, the proceedings are to be terminated by a decision ordering revocation, without going into the substantive issues (settled

jurisprudence of the boards, see *inter alia* decision T 73/84 OJ EPO 1985, 241).

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:



C. Rodríguez Rodríguez

P. Gryczka

Decision electronically authenticated