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**Datasheet for the decision
of 19 July 2019**

Case Number: T 1163/16 - 3.2.08

Application Number: 02805598.6

Publication Number: 1467829

IPC: B23B45/02, B25F5/00, B25F5/02

Language of the proceedings: EN

Title of invention:
SIDE HANDLES ON DRILL\;DRIVERS

Patent Proprietor:
Black & Decker Inc.

Opponent:
Robert Bosch GmbH

Headword:

Relevant legal provisions:
EPC Art. 113(2)

Keyword:
Revocation of the patent at request of the patent proprietor

Decisions cited:

Catchword:



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Case Number: T 1163/16 - 3.2.08

D E C I S I O N
of Technical Board of Appeal 3.2.08
of 19 July 2019

Appellant: Robert Bosch GmbH
(Opponent) Postfach 30 02 20
70442 Stuttgart (DE)

Respondent: Black & Decker Inc.
(Patent Proprietor) Drummond Plaza Office Park
1423 Kirkwood Highway
Newark, DE 19711 (US)

Representative: SBD IPAdmin
210 Bath Road
Slough, Berkshire SL1 3YD (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted on
4 March 2016 concerning maintenance of the
European Patent No. 1467829 in amended form.

Composition of the Board:

Chairwoman P. Acton
Members: M. Foulger
Y. Podbielski

Summary of Facts and Submissions

- I. With the decision posted on 4 March 2016, the opposition division decided that the patent and the invention to which it related according to the then valid second auxiliary request met the requirements of the EPC.
- II. The appellant (opponent) filed an appeal against this decision. It requested that the decision under appeal be set aside and that the patent be revoked.
- III. With the letter dated 17 April 2019, the respondent (patent proprietor) declared that it no longer approved the text in which the patent had been granted and would not be submitting an amended text.

Reasons for the Decision

1. Pursuant to Article 113(2) EPC, the EPO shall examine, and decide upon, the European patent only in the text submitted to it, or agreed, by the proprietor of the patent. Such an agreement cannot be deemed to exist where - as in the present case - the proprietor expressly states that it no longer approves the text of the patent and will not be submitting an amended text.
2. There is therefore no text of the patent on the basis of which the Board can consider the appeal. In these circumstances, the proceedings are to be terminated by a decision ordering revocation of the patent, without examination as to patentability (Case Law of the Boards of Appeal of the European Patent Office, 8th edition 2016, IV.C.5.2).

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:



C. Moser

P. Acton

Decision electronically authenticated