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**Datasheet for the decision
of 19 November 2020**

Case Number: T 0457/17 - 3.2.05

Application Number: 10015538.1

Publication Number: 2302273

IPC: F16L15/04

Language of the proceedings: EN

Title of invention:

Threaded joint for steel pipes

Patent Proprietor:

Nippon Steel Corporation
Vallourec Oil and Gas France

Opponent:

Tenaris Connections B.V.

Headword:

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Basis of decision - text or agreement to text withdrawn by
patent proprietor - patent revoked

Decisions cited:

T 0073/84

Catchword:



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Chambres de recours

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Case Number: T 0457/17 - 3.2.05

D E C I S I O N
of Technical Board of Appeal 3.2.05
of 19 November 2020

Appellant: Tenaris Connections B.V.
(Opponent) Piet Heinkade 55
1019 GM Amsterdam (NL)

Representative: August Debouzy
6-8, avenue de Messine
75008 Paris (FR)

Respondent: Nippon Steel Corporation
(Patent Proprietor 1) 6-1, Marunouchi 2-chome,
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Respondent: Vallourec Oil and Gas France
(Patent Proprietor 2) 54 rue Anatole France
59620 Aulnoye-Aymeries (FR)

Representative: J A Kemp LLP
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 7 December 2016
rejecting the opposition filed against European
patent No. 2302273 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman T. Vermeulen
Members: C. Brandt
 B. Spitzer

Summary of Facts and Submissions

- I. The opponent (appellant) lodged an admissible appeal against the decision of the opposition division rejecting the opposition which had been filed against European patent No. 2302273.
- II. The joint patent proprietors (respondents) initially requested that the appeal be found inadmissible or be dismissed. Oral proceedings were requested as an auxiliary measure.
- III. In a letter dated 16 November 2020 the patent proprietors stated that they no longer approve the text in which the patent was granted and do not submit an amended text, and that they no longer wish to maintain the requests.

Reasons for the Decision

1. Due to the patent proprietors' unconditional declaration of non-approval of the text of the patent as granted, the withdrawal of all pending requests, and the announcement that an amended text for the patent would not be submitted for the maintenance of the patent in amended form, the board can no longer decide on the appeal on its merits.
2. Article 113(2) EPC allows the European Patent Office to examine and to decide upon the European patent only in the text submitted to it, or agreed, by the proprietor of the patent. Since the text of the patent is at the disposal of the patent proprietors, a patent cannot be maintained against the patent proprietors' will (see Case Law of the Boards of the Boards of Appeal, 9th

edition 2019, IV.D.2, with references to the case law, i.a. decision T 73/84, OJ 1985, 241).

3. The patent can therefore only be revoked.
4. The present decision is taken without oral proceedings since the withdrawal of all the patent proprietors' requests affects their original request for oral proceedings as well.

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:



N. Schneider

T. Vermeulen

Decision electronically authenticated