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**Datasheet for the decision  
of 2 November 2022**

**Case Number:** T 0024/20 - 3.2.04

**Application Number:** 07747312.2

**Publication Number:** 2018100

**IPC:** A01M9/00, A01M1/00, A01G13/00

**Language of the proceedings:** EN

**Title of invention:**  
USE OF A DEVICE FOR DISTRIBUTING BENEFICIAL ARTHROPODS

**Patent Proprietor:**  
Koppert B.V.

**Opponent:**  
Biobest Belgium NV

**Headword:**

**Relevant legal provisions:**  
EPC Art. 111(1), 113(2)

**Keyword:**  
Basis of decision - revocation of the patent at request of the patent proprietor

**Decisions cited:**

T 0237/86

**Catchword:**



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
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**Case Number: T 0024/20 - 3.2.04**

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.04**  
**of 2 November 2022**

**Appellant:** Biobest Belgium NV  
(Opponent) Ilse Velden 18  
2260 Westerlo (BE)

**Representative:** Gevers Patents  
Intellectual Property House  
Holidaystraat 5  
1831 Diegem (BE)

**Respondent:** Koppert B.V.  
(Patent Proprietor) Veilingweg 14  
2651 BE Berkel en Rodenrijs (NL)

**Representative:** Patentwerk B.V.  
P.O. Box 1514  
5200 BN 's-Hertogenbosch (NL)

**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
28 October 2019 concerning maintenance of the  
European Patent No. 2018100 in amended form.**

**Composition of the Board:**

**Chairman** A. de Vries  
**Members:** S. Oechsner de Coninck  
K. Kerber-Zubrzycka

## **Summary of Facts and Submissions**

- I. The opponent appeals against the interlocutory decision of the Opposition Division of the European Patent Office posted on 28 October 2019 concerning maintenance of the European Patent No. 2018100 in amended form.
- II. In a communication in preparation for oral proceedings the Board gave a provisional opinion on the relevant issues.
- III. In a letter of 26 October 2022, the Respondent (Proprietor) informed the Board as follows "the European patent is herewith unconditionally withdrawn".
- IV. An order cancelling oral proceedings set for 21 November 2022 was dispatched on 31 October 2022.

## **Reasons for the Decision**

1. The appeal is admissible.
2. In their letter of 26 October 2022, the Respondent (Proprietor) made the following statement:  
*"However, in view of changes in the proprietor's interests in the patent in most of the designated contracting states, the aforementioned European patent is herewith unconditionally withdrawn. Confirmation of the withdrawn status of the patent and the termination of the proceedings is requested."*
3. The Board interprets this statement as meaning that they no longer wish their patent to be maintained, and thus as a request for revocation of the patent. Following the established jurisprudence of the Boards

of Appeal (Case Law of the Boards of Appeal, 10th edition 2022, chapter IV.D.2, cf. in particular decision T 237/86, OJ 1988, 261), in the exercise of its powers under Article 111(1) EPC the Board thus decides to revoke the European patent.

## **Order**

**For these reasons it is decided that:**

- 1. The contested decision is set aside**
- 2. The patent is revoked.**

The Registrar:

The Chairman:



B. Brückner

A. de Vries

Decision electronically authenticated