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**Datasheet for the decision
of 11 April 2024**

Case Number: T 1653/21 - 3.5.05

Application Number: 12199666.4

Publication Number: 2750408

IPC: H04R25/00, H01Q1/27

Language of the proceedings: EN

Title of invention:

A hearing aid having an adaptive antenna matching mechanism and a method for adaptively matching a hearing aid antenna

Patent Proprietor:

GN Hearing A/S

Opponent:

Oticon A/S

Headword:

Revocation requested by proprietor/GN Hearing

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Revocation of the patent - (yes): requested by the proprietor and no claims on file

Decisions cited:

T 0677/90



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Case Number: T 1653/21 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 11 April 2024

Appellant: Oticon A/S
(Opponent) Kongebakken 9
2765 Smørum (DK)

Representative: Cohausz & Florack
Patent- & Rechtsanwälte
Partnerschaftsgesellschaft mbB
Bleichstraße 14
40211 Düsseldorf (DE)

Respondent: GN Hearing A/S
(Patent Proprietor) Lautrupbjerg 7
2750 Ballerup (DK)

Representative: Zacco Denmark A/S
Arne Jacobsens Allé 15
2300 Copenhagen S (DK)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 14 July 2021
rejecting the opposition filed against European
patent No. 2750408 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: K. Peirs
F. Bostedt

Summary of Facts and Submissions

- I. The appeal lies from the decision of the opposition division to reject the opposition (Article 101(2) EPC). The opposition division deemed that none of the grounds for opposition invoked by the opponent under Article 100(a) to (c) EPC prejudiced the maintenance of the opposed patent.
- II. The parties were summoned to oral proceedings before the board. A communication was issued under Article 15(1) RPBA including the board's negative preliminary opinion regarding compliance with Article 123(2) EPC as to all claim requests then on file. In response to the board's preliminary opinion, the respondent filed further auxiliary requests.
- III. Oral proceedings before the board were held on 11 April 2024. The parties' final requests were as follows:
- The appellant (opponent) requested that the decision under appeal be set aside and that the patent be revoked.
 - The respondent (patent proprietor) withdrew all its claim requests on file and requested as its final request that the patent be revoked.

At the end of the oral proceedings, the board's decision was announced.

Reasons for the Decision

1. The respondent withdrew all the claim requests underlying these appeal proceedings and explicitly requested the revocation of the opposed patent.
2. It follows that there is no text agreed by the proprietor of the patent upon which the board could decide (cf. Article 113(2) EPC and **T 677/90**). Against this background, the patent is to be revoked.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated