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**Datasheet for the decision  
of 26 June 2025**

**Case Number:** T 0520/23 - 3.2.06

**Application Number:** 17171439.7

**Publication Number:** 3403970

**IPC:** B66B5/00

**Language of the proceedings:** EN

**Title of invention:**

A METHOD AND SYSTEM FOR GENERATING MAINTENANCE DATA OF AN  
ELEVATOR DOOR SYSTEM

**Patent Proprietor:**

KONE Corporation

**Opponent:**

TK Elevator GmbH

**Headword:**

**Relevant legal provisions:**

EPC Art. 101, 113(2)

**Keyword:**

Withdrawal of approval of any text for maintenance of the  
patent (yes)

**Decisions cited:**

T 0073/84, T 0186/84, T 0655/01, T 1526/06, T 1960/12

**Catchword:**



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
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**Case Number:** T 0520/23 - 3.2.06

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.06**  
**of 26 June 2025**

**Appellant:** TK Elevator GmbH  
(Opponent) E-Plus-Strasse 1  
40427 Düsseldorf (DE)

**Representative:** Michalski Hüttermann & Partner  
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40221 Düsseldorf (DE)

**Respondent:** KONE Corporation  
(Patent Proprietor) Kartanontie 1  
00330 Helsinki (FI)

**Representative:** Berggren Oy  
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00101 Helsinki (FI)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 9 January 2023  
rejecting the opposition filed against European  
patent No. 3403970 pursuant to Article 101(2)  
EPC.**

**Composition of the Board:**

**Chairman** M. Harrison  
**Members:** M. Hannam  
B. Müller

## **Summary of Facts and Submissions**

- I. This decision concerns the appeal filed by the opponent against the decision of the opposition division to reject the opposition to European patent No. 3 403 970.
- II. The appellant (opponent) requested that the decision under appeal be set aside and the patent be revoked.
- III. In its reply, the respondent (patent proprietor) requested that the appeal be dismissed or, in the alternative, that the patent be maintained according to a first auxiliary request.
- IV. In preparation for oral proceedings, the Board issued a communication containing its provisional opinion on the objections to the requests on file.
- V. Oral proceedings before the Board were held on 26 June 2025. At the close of these oral proceedings the respondent withdrew approval of any text for maintenance of the patent.

## **Reasons for the Decision**

- 1. Under Article 113(2) EPC, the European Patent Office shall examine, and decide upon, the European patent only in the text submitted to it, or agreed, by the proprietor of the patent. This principle has to be strictly observed also in opposition and opposition appeal proceedings.

2. Such an agreement cannot be deemed to exist if the patent proprietor, as in the present case, expressly states that it no longer approves any text for maintenance of the patent.
3. Since the text of the patent is at the disposition of the patent proprietor, a patent cannot be maintained against the patent proprietor's will. It is moreover clear in the present case that it wishes to prevent any text whatsoever of the patent from being maintained.
4. In the interests of legal certainty, the proceedings ought to be terminated as quickly as possible. The only possibility in such a case is for the Board to revoke the patent as envisaged in Article 101 EPC, but for other reasons (i.e. non-compliance with Article 113(2) EPC).
5. In view of the above, the Board concludes that the patent must be revoked. This conclusion is also in line with case law developed by the Boards of Appeal in *inter alia* decisions T 73/84, T 186/84, T 655/01, T 1526/06 and T 1960/12.

## 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:



D. Grundner

M. Harrison

Decision electronically authenticated