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**Datasheet for the decision  
of 24 July 2025**

**Case Number:** T 1454/23 - 3.3.02

**Application Number:** 16781592.7

**Publication Number:** 3349807

**IPC:** A61L15/58

**Language of the proceedings:** EN

**Title of invention:**

HYBRID SILICONE AND ACRYLIC ADHESIVE COVER FOR USE WITH WOUND  
TREATMENT

**Patent Proprietor:**

Solventum Intellectual Properties Company

**Opponents:**

Lohmann & Rauscher GmbH  
ConvaTec Limited  
Paul Hartmann AG

**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Basis of decision - text or agreement to text withdrawn by  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



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
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**Case Number:** T 1454/23 - 3.3.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.02**  
**of 24 July 2025**

**Respondent:** Solventum Intellectual Properties Company  
(Patent Proprietor) 3M Center, 275-6E-21  
2510 Conway Ave E  
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**Representative:** Simmons & Simmons  
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**Party as of right:** Lohmann & Rauscher GmbH  
(Opponent 1) Johann-Schorsch-Gasse 4  
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**Representative:** Herrmann, Daniel  
Boehmert & Boehmert  
Anwaltspartnerschaft mbB  
Pettenkoferstrasse 22  
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**Appellant:** Paul Hartmann AG  
(Opponent 3) Paul-Hartmann-Strasse 12  
89522 Heidenheim (DE)

**Representative:** Paul Hartmann AG  
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Paul-Hartmann-Strasse 12  
89522 Heidenheim (DE)

**Party as of right:** ConvaTec Limited  
(Opponent 2) GDC, First Avenue  
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**Representative:** D Young & Co LLP  
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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
13 June 2023 concerning maintenance of the  
European Patent No. 3349807 in amended form.

**Composition of the Board:**

**Chairman** M. O. Müller  
**Members:** A. Lenzen  
L. Bühler

## **Summary of Facts and Submissions**

- I. This decision concerns the appeals filed by the patent proprietor and opponent 3 against the opposition division's decision that European patent No. 3 349 807 (patent) in amended form meets the requirements of the EPC.
- II. In preparation for the oral proceedings, which had been arranged at the parties' requests, the board issued a communication under Article 15(1) RPBA.
- III. Oral proceedings before the board were held by mixed-mode videoconference on 24 July 2025 in the presence of the patent proprietor and opponent 3. Opponents 1 and 2 participated remotely.

During the oral proceedings, the patent proprietor withdrew:

- its appeal
- its consent and agreement under Article 113(2) EPC to the text of the patent as granted
- all requests on file

At the end of the oral proceedings, the chair announced the order contained in the present decision.

## **Reasons for the Decision**

1. According to the principle of party disposition established by 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.

2. The patent proprietor has withdrawn its consent to maintaining the patent as granted. Following the withdrawal of all requests on file, there are no longer any amended versions of the patent on the basis of which the board could examine whether the requirements of the EPC have been met.
3. According to the established case law of the boards of appeal since decision T 73/84 (OJ EPO 1985, 241), the patent must be revoked in such circumstances without further examination.
4. Since the patent proprietor had withdrawn its appeal at the oral proceedings before the final decision was announced, its appeal shall be reimbursed at 25% (Rule 103(4) (a) EPC).

## 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:



U. Bultmann

M. O. Müller

Decision electronically authenticated