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**Datasheet for the decision
of 1 October 2025**

Case Number: T 1654/23 - 3.5.05

Application Number: 18194325.9

Publication Number: 3588980

IPC: H04R25/00

Language of the proceedings: EN

Title of invention:

ITE hearing device

Patent Proprietor:

Sonova AG

Opponents:

Oticon A/S

GN Hearing A/S

Headword:

Revocation requested by the proprietor/SONOVA

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Revocation of the patent - (yes): no approved claims on file

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 1654/23 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 1 October 2025

Appellant:
(Opponent 1)

Oticon A/S
Kongebakken 9
2765 Smørum (DK)

Representative:

Cohausz & Florack
Patent- & Rechtsanwälte
Partnerschaftsgesellschaft mbB
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Opponent 2:

GN Hearing A/S
Lautrupbjerg 7
2750 Ballerup (DK)

Representative:

Aera A/S
Niels Hemmingsens Gade 10, 5th Floor
1153 Copenhagen K (DK)

Respondent:
(Patent Proprietor)

Sonova AG
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8712 Stäfa (CH)

Representative:

Schwan Schorer & Partner mbB
Patentanwälte
Bauerstraße 22
80796 München (DE)

Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted on
6 July 2023 concerning maintenance of the
European Patent No. 3588980 in amended form.**

Composition of the Board:

| | |
|-----------------|------------------|
| Chair | K. Bengi-Akyürek |
| Members: | K. Peirs |
| | C. Heath |

Summary of Facts and Submissions

- I. Opponent 1 (appellant) filed an appeal against the opposition division's interlocutory decision maintaining the opposed patent in amended form. Opponent 2 withdrew its appeal.
- II. The appellant requested that the decision under appeal be set aside and that the patent be revoked in its entirety.
- III. In response to the board's preliminary opinion issued under Article 15(1) RPBA, the proprietor (respondent) indicated, by its submission dated 15 September 2025, that it no longer approved the text based on which the patent had been granted and that it would not submit any amended text. With this submission, the proprietor also withdrew all requests submitted in the opposition and appeal proceedings.
- IV. The board thereupon cancelled the arranged oral proceedings.

Reasons for the Decision

1. Pursuant to Article 113(2) EPC, the EPO shall examine, and decide upon, the European patent only in the text submitted, or agreed, by the proprietor of the patent.
2. Such an agreement cannot be deemed to exist where - as in the present case - the proprietor expressly states that it no longer approves the text of the patent and that it would not be submitting an amended text.

3. Thus, there is no text of the patent on the basis of which the board could consider the appeal.
4. In these circumstances, the appeal proceedings are to be terminated by a decision ordering revocation of the patent without examination as to patentability (see e.g. **T 73/84**, OJ EPO 1985, 241).

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