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**Datasheet for the decision
of 10 October 2025**

Case Number: T 1730/23 - 3.5.04

Application Number: 18700940.2

Publication Number: 3607264

IPC: G01B21/04, G01B11/25, G06T7/80

Language of the proceedings: EN

Title of invention:
MACHINE VISION SYSTEM

Patent Proprietor:
Oy Mapvision Ltd

Opponent:
Inline3D GmbH

Headword:

Relevant legal provisions:
EPC Art. 101, 113(2)

Keyword:
Withdrawal of approval of any text for maintenance of the
patent - patent revoked

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 1730/23 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 10 October 2025

Appellant: Oy Mapvision Ltd
(Patent Proprietor) Malminkartanonkuja 4
00390 Helsinki (FI)

Representative: Papula Oy
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00101 Helsinki (FI)

Appellant: Inline3D GmbH
(Opponent) In der Au 9
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Representative: Maucher Jenkins
Patent- und Rechtsanwälte
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted on
27 July 2023 concerning maintenance of the
European Patent No. 3607264 in amended form.

Composition of the Board:

Chair B. Willems
Members: F. Sanahuja
B. Müller

Summary of Facts and Submissions

- I. The present appeals are against the opposition division's interlocutory decision dated 27 July 2023 that, account being taken of the amendments made by the patent proprietor during the opposition proceedings, European patent No. 3 607 264 and the invention to which it relates met the requirements of the EPC (Articles 101(3) (a) and 106(2) EPC).
- II. Both the patent proprietor and the opponent filed notice of appeal and a statement of grounds of appeal.
- III. The board issued summons to oral proceedings and a communication under Article 15(1) RPBA containing its provisional opinion on the objections to the requests on file.
- IV. At the oral proceedings the patent proprietor withdrew the approval of any text for maintenance of the patent.

The opponent's final requests were that the appeal of the patent proprietor be dismissed, that the decision under appeal be set aside and that the patent be revoked in its entirety. It further requested that auxiliary requests 1, 3, 4 and 5 filed with the patent proprietor's statement of grounds of appeal and auxiliary requests MainB, 1B, 2B, 3B, 4B and 5B filed with the patent proprietor's letter dated 11 April 2024 not be admitted into the appeal proceedings.

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 the patent proprietor 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 (see Case Law of the Boards of Appeal of the European Patent Office, 11th edition, 2025, III.B.3.3 and *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 Chair:



K. Boelicke

B. Willems

Decision electronically authenticated