



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0

Appeal number

T1174/22-3.3.10

Patent No.:

2922818

Patent Proprietor:

Hangzhou Dac Biotech Co., Ltd

Opponents:

Strawman Limited

Maschio & Soames IP Limited

Minutes of the oral proceedings

of 20 February 2025

Composition of the Board:

Chairman:

P. Gryczka

Members:

M. Kollmannsberger

L. Basterreix

Start of oral proceedings:

09:02 hours

End of oral proceedings:

11:03 hours

Present on behalf of the appellant (patent proprietor): Mr. D. Holland and Ms. M. Gisseleire, professional representatives, accompanied by Mr. M. Mallerman, Mr. R. Zhao and Ms. N. Feng.

Present on behalf of respondent I (opponent 1): no one, as announced in the letter of 7 January 2025.

Present on behalf of respondent II (opponent 2): Mr. A. Maschio and Mr. A. James, professional representatives, accompanied by Mr. W. Weymiens, Mr. K. Visscher and Ms. Y. Huppelschoten.

The Chairman declared the oral proceedings open. He summarised the relevant facts as appearing from the file.



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The appellant requested the appealed decision to be set aside and the patent to be maintained in amended form based on the claims of the main request and auxiliary requests 1-4 filed together with the statement setting out the grounds of appeal, or auxiliary requests 5-10 as filed with submission dated 16 December 2024. The appellant requested a remittal to the opposition division should inventive step need to be discussed.

Respondent 1 requested in writing the appeal to be dismissed and auxiliary requests 5 and 8-17 as filed with the statement setting out the grounds of appeal, corresponding to pending auxiliary requests 7-10, as well as document D31 not to be admitted into appeal proceedings.

Respondent 2 requested the appeal to be dismissed and auxiliary requests 7-10 (as filed with the appellant's submission dated 16 December 2024) and documents D31 to D33 not to be admitted into appeal proceedings.

The novelty of claims 2 and 3 of auxiliary request 6 was discussed over documents D1 and D6. The appellant agreed that the conclusion reached for auxiliary request 6 would also apply to the main request and auxiliary requests 1 to 5.

After deliberation, the Chairman announced the Board's conclusion that claims 2 and 3 of auxiliary request 6 lacked novelty over documents D1 and D6. This conclusion also applied to the main request and auxiliary requests 1 to 5.

It was discussed whether auxiliary requests 7 to 10 should be admitted into the proceedings.

Following the submissions of Mr Weymiens, the appellant asked whether he was duly authorised to represent respondent 2.

After deliberation, the Chairman announced the Board's decision not to admit auxiliary requests 7 to 10 into the proceedings. The Board considered Mr Weymiens as an accompanying person and did not take into account his submissions in its decision.



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The Chairman asked the parties if they had any further comments or requests. There were none.

The Chairman then declared the debate closed.

After deliberation by the Board, the following decision was given:

The appeal is dismissed.

The Chairman then closed the oral proceedings.

The Minute Writer:

The Chairman:

L. Basterreix

P. Gryczka

Minutes electronically authenticated

