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Dosage Regimen – Objection to Member EBoA, European Patent Office (EPO Enlarged Board of Appeal), 15 September 2009

Bart van Weezenbeek · Tuesday, September 15th, 2009 · Landmark European Patent Cases

1. According to the EPC, the right to object to a member of a Board of Appeal or of the Enlarged Board of Appeal is reserved to the party to the proceedings who suspects partiality in such a member. 2. It remains nevertheless that pursuant to Article 4(1) RPEBA, if the Enlarged Board of Appeal has knowledge of a possible reason for exclusion or objection which does not originate from a member himself or from any party to the proceedings, then the procedure of Article 24(4) EPC shall be applied. 3. To the extent that participation in a referral pending before the Enlarged Board of Appeal of a Board member having already dealt with the matter as a member of a Board of Appeal is not excluded by these provisions, an objection of partiality cannot be based on that very same fact alone.

The full summary of this case has been published on Kluwer IP Law.

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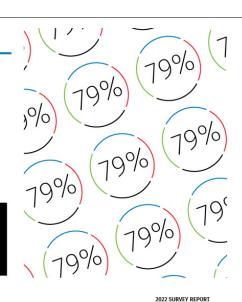
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