

Neurokine/HUMAN GENOME SCIENCES, European Patent Office (EPO Board of Appeal), 21 October 2009

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In case of parallel proceedings before a national court and the Boards of Appeal, parties should inform both tribunals of this position as early as possible. In order to avoid duplication of proceedings, the parties should ask the appropriate tribunal for acceleration. Whether acceleration is requested by one party, or both or all parties in agreement, or by a national court, all parties must accept a strict procedural framework, including short time limits. Acceleration can have no effect on the equal treatment of all parties and cannot confer any advantage on any one party. An objection of lack of industrial application (Article 57 EPC) requires the same standard of proof as an objection of insufficient disclosure (Article 83 EPC), namely serious doubts substantiated by verifiable facts.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).