

G1/09 pending application, European Patent Office (Appeals Court), 29 September 2010

Kluwer Patent Blog
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The Enlarged Board of Appeal answered the question referred to it by the Board of Appeal in J 2/08. The Enlarged Board of Appeal held that after a decision to refuse a European patent application, the application remains pending, in the sense that a divisional application can be validly filed, until the expiry of the time limit for filing a notice of appeal, when no appeal is filed.

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