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T2075/11, European Patent Office (Appeals Court)

Lars de Haas (V.O.) · Thursday, January 30th, 2014

The Board of Appeal used its discretionary power to declare inadmissible an appeal based on the claims as granted after the proprietor had only defended amended claims before the opposition division. Even if this should not be construed as abandonment of the claims as granted, the request should not be admitted for reasons of procedural economy, because it would require the board to take a first instance decision. The proprietor had lost its right to a decision on the claims as granted by amending the claims to circumvent an objection by the opposition division.

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

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