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EPO: R16/13 (Boehringer v. Norton), Board of Appeal, 8 December 2014

Lars de Haas (V.O.) · Wednesday, September 16th, 2015

The enlarged board of appeal of the European patent office allowed a petition for review of a board decision because the right to be heard had been denied. The decisive ground for the decision under review involved a new conclusion from a document that was in the proceedings. This conclusion could not be directly derived from submissions of the parties or notice from the board. The fact that the proprietor expressed a different opinion on the document, without notice of challenge from the opponent or the board, showed a denial of the right to be heard on the new conclusion.

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

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