

EPO: T 1756/11, European Patent Office (EPO), Board of Appeal, 14 January 2015

Kluwer Patent Blog
August 9, 2016

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Please refer to this post as: Lars de Haas, 'EPO: T 1756/11, European Patent Office (EPO), Board of Appeal, 14 January 2015', Kluwer Patent Blog, August 9, 2016, <http://patentblog.kluweriplaw.com/2016/08/09/epo-t-175611-european-patent-office-epo-board-of-appeal-t-175611-14-january-2015-2/>

An EPO board held that observations filed by third parties during inter partes appeal must be disregarded by the board, unless they concern amendments during opposition or appeal, in which case the board has discretion whether or not to consider the observations in the examination of the amendments. Also when a party to the appeal takes position on third party facts and evidence, the board has to exercise its discretion. In contrast, EPO policy requires opposition divisions to take position on the relevance of the third party observations in any case, treating them like late filed submissions.

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