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Res iudicata in a divisional application/CANON, European Patent Office (EPO Board of Appeal), 07 May 2009

Ferry van Looijengoed · Thursday, May 7th, 2009 · Landmark European Patent Cases

The Board of Appeal had to decide on a main request for a divisional application that corresponded to an auxiliary request for the parent application on which the Board had already finally decided. The Board of Appeal found the appeal for the divisional application inadmissible because subject-matter on which a final decision has been taken becomes res iudicata and can therefore not be pursued in a divisional application.

A full summary of this case has been published on Kluwer IP Law.

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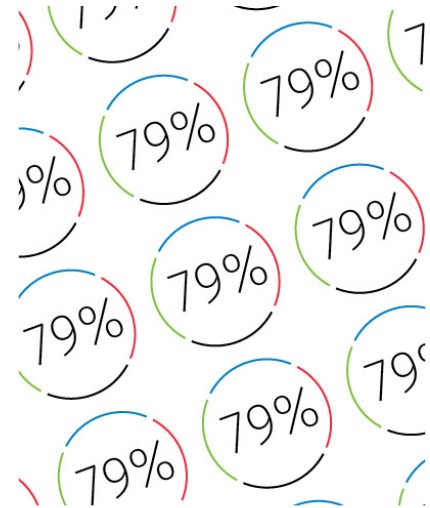
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