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# Kluwer Patent Blog

## Dosage Regimen – Objection to Member EBoA, European Patent Office (EPO Enlarged Board of Appeal), 15 September 2009

Bart van Weezenbeek · Tuesday, September 15th, 2009 · Landmark European Patent Cases

1. According to the EPC, the right to object to a member of a Board of Appeal or of the Enlarged Board of Appeal is reserved to the party to the proceedings who suspects partiality in such a member. 2. It remains nevertheless that pursuant to Article 4(1) RPEBA, if the Enlarged Board of Appeal has knowledge of a possible reason for exclusion or objection which does not originate from a member himself or from any party to the proceedings, then the procedure of Article 24(4) EPC shall be applied. 3. To the extent that participation in a referral pending before the Enlarged Board of Appeal of a Board member having already dealt with the matter as a member of a Board of Appeal is not excluded by these provisions, an objection of partiality cannot be based on that very same fact alone.

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

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This entry was posted on Tuesday, September 15th, 2009 at 2:44 am and is filed under [Biologics](#), [Case Law](#), [EPC](#), [Procedure](#)

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