

Kluwer Patent Blog

Order of the requests/DA PONTE, European Patent Office (EPO Board of Appeal), 11 November 2009

Ferry van Looijengoed · Wednesday, November 11th, 2009 · Landmark European Patent Cases

The patent proprietor appealed a decision of the Opposition Division, wherein the Opposition Division decided to maintain the patent in amended form. In appeal the patent proprietor filed a new main request and seven auxiliary requests. The second auxiliary request corresponded to the request that was found allowable by the Opposition Division. The Board of Appeal held that the Boards of Appeal were not necessarily bound by the numerical order of the requests as submitted by the patent proprietor. It was considered inconsistent with the nature of the appeal proceedings under the EPC that, when a higher-ranking request would be found allowable by the Board of Appeal, this would prevent a decision on the correctness of the first instance decision as requested in a lower-ranking request.

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

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please subscribe [here](#).

Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change



This entry was posted on Wednesday, November 11th, 2009 at 6:25 am and is filed under [Case Law](#), [EPC](#), [Opposition](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.