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Boehringer/Double Patenting, European Patent Office (EPO Board of Appeal), 19 April 2010

Erik Visscher · Thursday, May 6th, 2010 · Landmark European Patent Cases

In the case at hand the Board held that the European Patent Convention does not contain any specific provision for refusing a European patent application for unallowable double patenting. According to the Board neither Article 125 EPC nor Article 60 EPC could serve as a legal basis for such refusal thereby explicitly disagreeing with the conclusion of the Board in the earlier decision T 307/07. This decision is the latest in a sequence of recent decisions wherein different Boards express diverging views on the application of the prohibition of double patenting within the system of the EPC.

Click [here](#) for the full text of this case. A summary of this case will be posted on <http://www.KluwerIPCases.com>.

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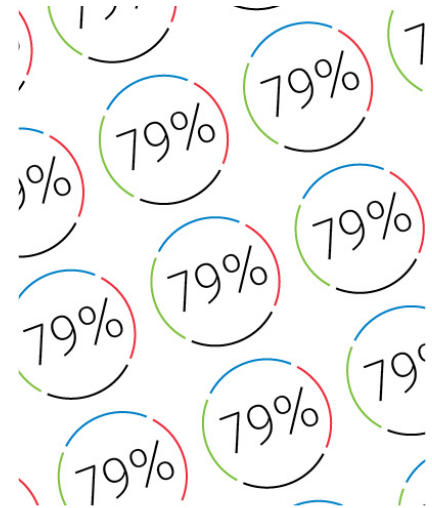
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