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Fastener Device, European Patent Office (EPO Board of Appeal), 9 July 2009

Lars de Haas (V.O.) · Monday, May 31st, 2010

The Board considered whether the introduction of the EPC 2000 raised the requirements for a notice of appeal to be admissible. Rule 99(1)(c) EPC 2000 requires that the notice of appeal contains ‘a request defining the subject of the appeal’. Rule 64 EPC 1973 required that the notice of appeal contains a statement identifying ‘the extent to which amendment or cancellation of the decision is requested’. The Board concluded that the requirements had not materially changed. Rule 99(1)(c) EPC 2000 is satisfied if the notice of appeal also contains a request, which may be implicit, to set aside the decision in whole or (where appropriate) only as to part. In the case of an appeal by an applicant or proprietor, it is not necessary that the notice of appeal should also contain a request for maintenance of the patent in any particular form. The latter is a matter for the grounds of appeal.

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

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