
Kluwer Patent Blog

T_1145/09, EPO Board of Appeal, 17 June 2010

Lars de Haas (V.O.) · Monday, August 16th, 2010

Questions submitted to the Enlarged Board. During opposition the Proprietor announced that it wanted a correction of the decision to grant from the examining division. The opposition division decided to stay proceedings and the Opponent appealed the decision to stay. The Board submitted questions to the Enlarged Board, asking (1) whether a request for correction of a decision was admissible after initiation of opposition proceedings and (2) whether the examining division could decide about this in a binding manner, precluding the opposition division from examining whether the correction decision amounts to an unallowable amendment.

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

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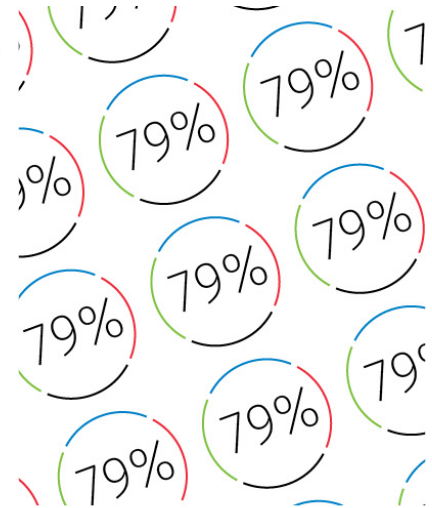
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This entry was posted on Monday, August 16th, 2010 at 2:48 pm and is filed under [G 1/93](#), [OJ 1994, 541](#)) *The ‘gold standard’ of the European Patent Office’s Board of Appeal is that any amendment can only be made within the limits of what a skilled person would derive directly and unambiguously, using common general knowledge, and seen objectively and relative to the date of filing, from the whole of the documents as filed (G 3/89, OJ 1993,117; G 11/91, OJ 1993, 125).*“>Amendments, [Case Law](#), [Estonia](#), [Opposition](#)

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