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R3/10, European Patent Office (EPO Enlarged Board of Appeal), 29 September 2011

Lars de Haas (V.O.) · Friday, January 13th, 2012

The Enlarged Board of Appeal (EBA) allowed review of the conduct of the Technical Board of Appeal (TBA), since the TBA rejected a main request for lack of inventive step which had not yet been discussed during oral proceedings. The EBA decided that the petitioner had no reason to assume that the TBA would decide on more than had been orally discussed. The TBA had not made sufficiently clear that novelty and inventive step would be discussed and decided together, as confirmed by the minutes which recorded that the chairman indicated that the TBA would decide on 'patentability'.

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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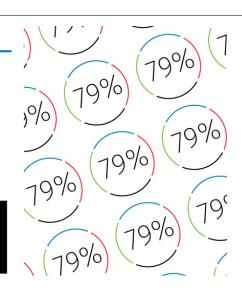
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