
Kluwer Patent Blog

T936/09, European Patent Office (Appeals Court), 1 March 2012

Lars de Haas (V.O.) · Thursday, September 27th, 2012

The Board, exercising its power under Article 12(4) RPBA, decided not to admit the patent proprietor's (appellant) main request in appeal, because he did not at all respond in substance to the opposition in first instance, but had merely stated to be interested in maintaining the patent as granted and that it would not reply to the notice of opposition (e.g. by filing arguments or amended claims). The Board ruled that if a patent proprietor chooses to not at all substantively respond to the opposition, he will need to face the prospect of being held accountable for such conduct.

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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