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# Kluwer Patent Blog

## EPO: T1938/09, European Patent Office (EPO), Board of Appeal, ECLI:EP:BA:2014:T193809.20141002, 2 November 2014

Lars de Haas (V.O.) · Thursday, April 16th, 2015

A panel of the Enlarged Board of Appeal (EBA) of the EPO rejected a request to replace the EBA chairman for suspected partiality. The reasons for allowing such a request in decision R19/12 had since been removed because the chairman had discontinued all his managerial activities in the senior management committees of the EPO. Under the new circumstances it remained for the chairman to judge in each individual case to preserve a balance between his potentially conflicting judicial duties and his duties as vice-president of the EPO. Until proven otherwise, the chairman was presumed thus to avoid partiality.

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

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