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EPO: T 1756/11, European Patent Office (EPO), Board of Appeal, T 1756/11, 14 January 2015

Lars de Haas (V.O.) · Tuesday, June 9th, 2015

An EPO board held that observations filed by third parties during inter parte appeal must be disregarded by the board, unless they concern amendments during opposition or appeal, in which case the board had discretion whether or not to consider the observations in the examination of the amendments. Also when a party to the appeal took position on third party facts and evidence, the board had to exercise its discretion. In contrast, EPO policy required opposition divisions to take position on the relevance of the third party observations in any case, treating them like late filed submissions.

A full summary of this case has been published on Kluwer IP Law.

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