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# Kluwer Patent Blog

## EPO: T1267/10 (DeLaval v. Octrooibureau Van der Lely), Board of Appeal, 20 April 2015

Lars de Haas (V.O.) · Wednesday, September 16th, 2015

An EPO board held that an appellant in a cross-appeal can be bound by an analogy of the bar against reformatio in peius, when filing a request later than with the grounds of appeal. When the appellant could have filed the request with the grounds of appeal, but filed the request only in response to the grounds of appeal of the cross-appellant, the appellant effectively only had the rights of a respondent and the bar against reformatio in peius applied analogously.

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

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