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# Kluwer Patent Blog

## Patent case: Oticon A/S and GN Resound A/S vs. Sivantos GmbH, EPO

Bart van Wezenbeek (Hoffmann Eitle) · Monday, August 2nd, 2021

Although the grounds of the decision under R. 111(2) EPC do not have to deal in detail with all the arguments of the parties, at least the key points of discussion must be addressed. The grounds must respond to the relevant facts, evidence and arguments and contain the logical chain that led to the formation of the final judgment.

Proceedings before the EPO are governed by the principle of uniformity of the language of the proceedings. For the written copy of the decision, only the language of the proceedings shall be used. Only the decision in a single language of the proceedings meets the requirements of R. 111(2) EPC on the grounds of the decision.

Under Art. 125 EPC, in so far as the EPC does not contain procedural provisions, the principles of procedural law generally accepted in the contracting states of the European Patent Organisation must be used. This applies in particular to the general principle of fair trial, which is also exemplified in Article 6(1) of the ECHR, which serves as a general guideline for setting up the proceedings. This includes the requirement to draft the decision in such a way that it can be understood by a party that is able to handle the language of the proceedings.

Case date: 12 April 2021

Case number: T 1787/16

Court: European Patent Office (EPO), Board of Appeal

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

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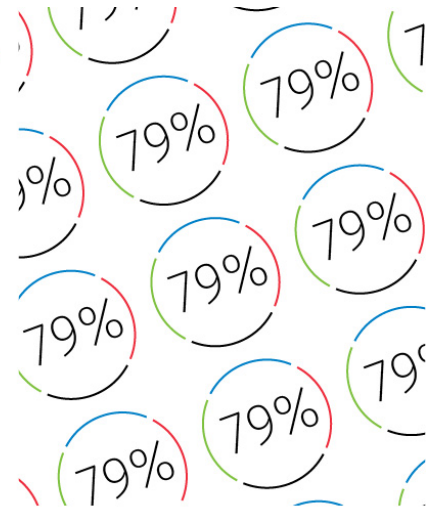
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