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# Kluwer Patent Blog

## Patent case: Raytheon Company, EPO

Bart van Wezenbeek (Hoffmann Eitle) · Friday, May 5th, 2023

From the company name of an appellant alone it can generally not be derived that the appellant does not meet the conditions of Rule 6(4,5) EPC for payment of the reduced appeal fee. This applies even where a company name is well-known. Where it is not clear from the file at the end of the appeal period whether or not an appellant at the point in time of payment of the reduced fee meets the conditions, no clear intention to pay the regular appeal fee can be detected that under the principles of T 152/82 would entitle the EPO to ex officio debit the amount of the regular fee.

An appellant who gives a debit order for payment of the reduced appeal fee even though it clearly does not meet the conditions of Rule 6(4,5) EPC commits an obvious mistake in the meaning of J 8/80 and G 1/12. Such an appellant is imputed to have had the clear intention to pay the regular fee, and no evidence to prove this intention is required.

Case date: 14 February 2023

Case number: T 1678/21

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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