

# EPO Case-Law Update

Recent decisions of the Boards of Appeal

## Topics

- Recent procedural decisions
- Recent substantive decisions
- Decisions on computer-implemented inventions and pharma/biotech inventions
- Report period 2018 - 2019

**New Rules of Procedure of the Boards of Appeal included!**

## Your speakers



**Christopher Rennie-Smith**  
Formerly Chairman of the BoAs, European Patent Office, Munich (Germany)



**Daniel Xavier Thomas**  
Former Director, Directorate-General 1 - Operations, European Patent Office, Munich (Germany)

# Recent decisions of the Boards of Appeal

## Aims and objectives

Each year the Boards of Appeal (BoA) of the European Patent Office hand down more than 2000 decisions.

These decisions set the standard for interpreting and applying the European Patent Convention. It is therefore vital for practitioners to keep up to date with the latest developments of the jurisprudence of the boards of appeal.

The most important published and unpublished decisions of the Boards of Appeal will be presented. The panelists will discuss, in particular, the consequences of these decisions on patent practice.

As by the time of the seminar, the new Rules of Procedure of the Boards of Appeal may have entered into force, the major differences between the old and the new RPBA will be analysed and any decisions based on the new RPBA will be discussed in comparison with the old RPBA. Whether in force or not, the impact of the (proposed) revised RPBA on the proceedings before the Boards will be discussed.

## Who should attend?

Do you work in a corporate patent/IP department or as a patent attorney in private practice? Do you need to be up to date on EPO case-law?

Then this update course is designed for you. Knowledge of patents is assumed. This course is also useful to advanced EQE candidates.

## Your speakers



**Christopher Rennie-Smith**  
Formerly Chairman of the BoAs, European Patent Office, Munich (Germany)

For 15 years until 2014 Christopher Rennie-Smith was a member of the EPO Boards of Appeal in Munich, since 2005 a member of the Enlarged BoA and since 2010 chairman of a Technical BoA. He was a board member or chairman in hundreds of appeals and, since 2007, many petitions for review. Christopher was one of the draftsmen of the current Rules of Procedure of the Boards of Appeal and, for seven years, was involved in judicial training for new BoA members and judges from European national courts. He advises and counsels parties to EPO proceedings and their representatives.



**Daniel Xavier Thomas**  
Former Director, Directorate-General 1 - Operations, European Patent Office, Munich (Germany)

Daniel X. Thomas, an electronics engineer by training, started his career in the patent field in 1971 and has at last been heading directorates in various fields of electronics, physics and mechanics. Although he retired from active service at the EPO in 2013., D.X. Thomas continues to be active in the field of IP. To that effect he is leading workshops/seminars relating to various aspects of the European granting procedure. Daniel X. Thomas is also working as consultant in IP matters for various firms around Europe: legal practitioner firms, patent representatives or technical companies.

**15 November 2019, 09:00 - 17:00**

## **The Rules of Procedure of the BoA - how they may change and the impact of the change**

- Basis of proceedings
- Amendment to a party's case
- Oral proceedings
- Abridged decisions

## **Decisions of the Enlarged Board under Art 112 - Interpretation of the EPC**

- G 1/18
- Any referrals made by the time of the seminar will also be discussed

## **Petitions for review under Art. 112a EPC R - Cases before the Enlarged Board**

- General legal framework
- Obligation to raise objections
- Violation of right to be heard
- Some statistics

## **Further procedural issues**

- Party status (incl. transfers of oppositions)
- Admissibility of appeals and oppositions
- Re-establishment of rights
- Observations by third parties
- Reimbursement of fees
- Auxiliary requests
- Late submissions
- Substantial procedural violations in first instance

## **Claim interpretation**

- Clear and unambiguous claims
- Interpretation of specific features

## **Priority**

- Decisions applying G 1/18 - partial priority
- Transfer of priority

## **Added subject-matter**

- Intermediate generalisation
- Correction of errors
- Essentiality test

## **Disclaimers**

- Decisions applying 1/16
- 'Positively disclosed' disclaimers

## **Novelty and Inventive step**

- Availability to the public (internet disclosures, lectures)
- Choice of the closest prior art
- Secondary indicia

## **Computer-implemented inventions**

- 'Technical' character
- Graphical Interface Units

## **Pharmaceutical and biotechnological inventions**

- Sufficiency, plausibility, industrial application
- Plants, animals and essentially biological processes
- Surgical, therapeutic and diagnostic methods
- Reach-through-claims

This agenda may be varied to include relevant new decisions published between the dates of this brochure and the seminar and other possible developments.

Registration under  
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## Registration Form

Yes, I will attend the seminar

EPO Case-Law Update

Yes, I agree that FORUM Institut may inform me about events and relevant expert content by:  
 email; and/or  telephone.  
I may withdraw my consent at any time.

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Name

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Company

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Street

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Post code, city, country

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Tel. no.

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E-mail

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Contact person at office

\_\_\_\_\_  
Date, signature

## How to register

**Registration: +49 6221 500-500**

**Conference no.: 19 11 183**

### Date and venue

Friday, 15 November 2019 in Amsterdam

9:00 - 17:00

Amsterdam Marriott Hotel

Stadhouderskade 12 · NL 1054 Amsterdam

Tel. +31 20 6075555 · Fax +31 20 60075511

### Fee

€ 1190.00 (+ 21% VAT)

The fee includes course documentation (including free download) as well as refreshments, lunch and a certificate. You will receive an invoice as well as confirmation.

## Any Further Questions?



Please feel free to contact me if you have any questions.

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