



*Institut der beim Europäischen Patentamt
zugelassenen Vertreter*

*Institute of Professional Representatives
before the European Patent Office*

*Institut des mandataires agréés
près l'Office européen des brevets*

To
Heads of National Patent/IP Attorney
Associations

The President

24.08.2010

Procedures before the EPO Boards of Appeal

Dear Madame, dear Sir,

epi has a yearly meeting with the Boards of Appeal, mainly with the Vice-President, Directorate General Appeals, and the Chairpersons of the Boards.

This gives us an excellent opportunity to discuss practices and procedures, interpretation of rules, etc., whereby also mutual expectations and suggestions can be brought forward.

We would very much appreciate to have your input with regard to your experiences as well as any comments or questions you might have regarding appeal matters before the EPO Boards of Appeal.

Please note that individual cases cannot be discussed.

We would thus kindly ask you to provide us with your contributions at the latest by **30.09.2010**. You may send your responses by email to the *epi* Secretariat info@patentepi.com or directly to the email address below. You may also send your submissions by fax or letter, at your convenience. Kindly indicate the subject matter „Procedures before the EPO Boards of Appeal“ in your response.

We would also appreciate to have your views on national patent court procedures as compared with the procedures before the EPO Boards of Appeal, particularly with regard to the following questions:

1. What are your views on the time it takes from the start of a procedure until a decision is delivered when comparing a national court case to an EPO appeal case?

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2. Should the date for oral proceedings be set as early as possible?
What are your experiences with regard to national courts and EPO Boards of Appeal in this matter?
3. Are national judges less or more interactive in oral proceedings than EPO Boards of Appeal members?
4. What aspects of a national court procedure or an EPO Boards of Appeal procedure make one preferable over another?
5. How do you find that auxiliary request are dealt with before national courts as compared with before the EPO Boards of Appeal?

Please do not hesitate to refer back for any further information.

We shall provide you with a brief report on the meeting with the Boards of Appeal in due course.

Looking forward very much to your contributions, we remain

Yours sincerely,



Kim Finnilä