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23. Okt. 2008

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22. 10. 08

Referral under Article 112(1)(b) EPC

Dear Mr Messerli,

In accordance with Article 112(1)(b) EPC, I herewith refer the enclosed point of law to the Enlarged Board of Appeal. This point of law, which concerns the application of the exclusion of computer programs as such, is of fundamental importance as it defines the limits of patentability in the field of computing.

Yours sincerely,

Alison Brimelow
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1. SUMMARY OF THE REFERRAL

Even in the 1960s, as the founding fathers of the European Patent Office drafted a new European patent law, it was clear that the patentability of computer programs was a complex issue. Legislative attempts to change or clarify the law in this field have met with more controversy than success, although Article 52 EPC was amended to state that inventions 'in all fields of technology' are patentable, thus making an implicit requirement explicit.

As the EPC was drafted, the feeling was that it was better not to define the exclusion precisely in law, but rather that the matter should be left in the hands of the EPO and the national courts. This flexibility is important as technology develops and new technologies emerge. Nevertheless, to quote a working group in 1972: "it was stressed that a matter as important as computer programmes should not be left in a state of prolonged uncertainty pending legal developments"¹. Diverging decisions of the boards of appeal have indeed created uncertainty, and answers to the questions arising from these decisions are necessary to enable the further, harmonious development of case law in this field.

Currently there are concerns, also expressed by national courts and the public, that some decisions of the boards of appeal have given too restrictive an interpretation of the breadth of the exclusion. It is clear that the European Patent Office should have the leading role in harmonising the practice of patent offices within Europe.

The four questions have been chosen to look at four different aspects of patentability in this field. Firstly the relevance of the category of the claim is questioned. The next three questions concern themselves with where the line should be drawn between those aspects excluded from patentability and those contributing to the technical character of claimed subject-matter: the second question concerns the claim as a whole; the third, individual features of a claim; the fourth, relevant for defining the skills of the (technically) skilled person, concerns the activity (programming) which underlies the resulting product (computer program).

It is hoped that the referral of these questions to the Enlarged Board of Appeal will lead to more clarity concerning the limits of patentability in this field, facilitating the application of the law by examiners and enabling both applicants and the wider public to understand the law regarding the patentability of computer programs according to the EPC.

¹ 5th Meeting of the Inter-Governmental Conference for the Setting up of a European System for the Grant of Patents, held on 24-25 January and 2-4 February 1972, BR/168 e/72 eld/KM/gc, p14, 36

2. DEFINITIONS

A computer program is a series of steps (instructions) which will be carried out by the computer when the program is executed.

A computer is understood to include not only devices which are generally thought of as such, for example desktop PCs, but any programmable apparatus (such as a mobile phone or an embedded processor).

The term 'computer program' ('program' for short) is synonymous with 'software' and a 'program for a computer'.

For the purposes of this referral, the methods referred to in hypothetical examples are intended to be methods which can be implemented wholly by computer.

3. QUESTIONS TO BE REFERRED

3.1. QUESTION 1

CAN A COMPUTER PROGRAM ONLY BE EXCLUDED AS A COMPUTER PROGRAM AS SUCH IF IT IS EXPLICITLY CLAIMED AS A COMPUTER PROGRAM?

I Background

In the 1990s, applicants started to formulate claims for their computer implemented inventions in terms of the computer program, e.g. 'Computer program for carrying out method X' or 'Computer readable medium for storing a computer program for carrying out method X'. The latter formulation and equivalents are referred to as a computer program product claims (CPPs). These formulations are clearly important for applicants as they are routinely included in patent applications in the field of computer technology.

In this field, claim formulations along the following lines are common:

- methods
- systems (i.e. computer systems)
- computer-implemented methods
- computer programs
- computer program products, storing a computer program.

However, the substance of these claims, i.e. the underlying method to be performed by a computer, is often identical.

Recently, in the light of an England and Wales Court of Appeal judgement, the UK Intellectual Property Office issued a practice notice² stating that it seemed likely that few claims to programs or programs on carriers would avoid the exclusion from patentability of programs for computers as such. In practice they rejected nearly all such claims.

In response to a growing dissatisfaction from applicants, a set of test cases were constructed to have the issue decided by the UK courts, and the practice notice was overruled in this respect³. Thus the importance of such claim formulations for applicants is apparent.

II The diverging decisions

Regarding decision **T 1173/97**⁴, the subject-matter of the application that was subject of the appeal related to recovering resources in a computer system. Independent claims defining a method for resource recovery in a computer system and a computer with means for carrying out the method were found to be allowable by the Examining Division.

² Practice notice dated 2 November 2006, point 14:

www.ipo.gov.uk/patent/p-decisionmaking/p-law/p-law-notice/p-law-notice-subjectmatter.htm

³ Practice notice dated 7 February 2008:

www.ipo.gov.uk/patent/p-decisionmaking/p-law/p-law-notice/p-law-notice-subjectmatter-20080207.htm

⁴ T 1173/97 - Computer program product/IBM (OJ EPO 10/1999, 609)

The application was refused only because of two further independent claims directed at a corresponding computer program product. The Examining Division followed the EPO Guidelines valid at the time which stated that a computer program claimed by itself or on a carrier, irrespective of its contents, is excluded from patentability under Art. 52(2) and (3) EPC. The Division considered that economic considerations and international developments (e.g. TRIPS and new practices of other patent offices) could not be taken into account.

The Board was not bound by the Guidelines and in this decision it chose not to follow them. It noted that TRIPS may not be directly applied to the EPC; nevertheless it was taken into consideration and found not to preclude the patenting of computer programs. The Board then set about interpreting the exclusion from patentability of programs for computers as set out in the EPC.

From the combination of the two provisions (Art. 52(2)(c) and (3) EPC), the Board decided that the legislator did not want to exclude from patentability all programs for computers (Reasons, 4). In other words, the Board found that of all computer programs, there existed a subset (computer programs as such) which was excluded from patentability. Those computer programs which were not in this subset were not excluded from patentability.

The Board further concluded (Reasons, 5.2-5.4) that programs for computers are patentable when they have technical character; technical character being an essential requirement for patentability. It considered this to be in line with the exclusion of Art. 52(2)(c) EPC and the requirement that the exclusion be interpreted narrowly (Art. 52(3) EPC).

Decision **T 424/03**⁵ concerned an application disclosing a method of providing expanded clipboard formats for transferring data between formats. The clipboard is a storage area used in the common computer commands 'cut', 'copy' and 'paste'.

In this decision, the Board distinguished a method implemented in a computer system from a computer program. The former was described as a sequence of steps that are actually performed on a computer and achieving an effect. The latter was described as a sequence of computer-executable instructions which just have the potential of achieving such an effect when loaded into, and run on, a computer. Thus a computer implemented method can never be a computer program as such. The Board then introduced a claim category of 'computer program' (Reasons, 5.1).

III The divergence

T 1173/97 placed the emphasis on the function of the computer program (does the claimed program have technical character) rather than the manner in which it is claimed (e.g. as a computer program, a computer program product or a computer-implemented method). It noted that a computer program or computer program product does not directly disclose a technical effect in physical reality; this only becomes the case when the computer program is run on a computer. However, it saw no reason to distinguish between

⁵ T 424/03 - Clipboard formats/MICROSOFT

a direct technical effect and the potential to produce a technical effect (an indirect technical effect) (Reasons, 9.4).

On the other hand, T 424/03 placed emphasis on the manner in which the computer program is claimed. One can consider the case of a method 'x' which is suitable to be implemented on a computer. Following the reasoning of this decision, only a claim of the form 'computer program for method x' could possibly be excluded from patentability as a computer program as such, whereas claims of the form 'computer implemented method x' or 'computer program product storing executable code for method x' would not be excluded (irrespective of the nature of the method x).

IV Consequences

In the field of computer technology, innovation frequently lies in the particular method performed by a computer program while executed by conventional hardware. Consequently, the exclusion of computer programs as such under Article 52(2) and (3) EPC should be of key importance in this field. However, if one were to follow the reasoning of T 424/03, overcoming the exclusion of programs for computers would become a formality, merely requiring formulation of the claim as a computer implemented method or as a computer program product.

3.2. QUESTION 2

(A) CAN A CLAIM IN THE AREA OF COMPUTER PROGRAMS AVOID EXCLUSION UNDER ART. 52(2)(C) AND (3) MERELY BY EXPLICITLY MENTIONING THE USE OF A COMPUTER OR A COMPUTER-READABLE DATA STORAGE MEDIUM?

(B) IF QUESTION 2 (A) IS ANSWERED IN THE NEGATIVE, IS A FURTHER TECHNICAL EFFECT NECESSARY TO AVOID EXCLUSION, SAID EFFECT GOING BEYOND THOSE EFFECTS INHERENT IN THE USE OF A COMPUTER OR DATA STORAGE MEDIUM TO RESPECTIVELY EXECUTE OR STORE A COMPUTER PROGRAM?

I Background

It is established that if the subject-matter of a claim has technical character, then it is not excluded from patentability under Art. 52(2) and (3) EPC. However, in the case of claims in the area of programs for computers (worded, for instance, explicitly as programs for computers or as methods carried out by computers), there is uncertainty about when exactly features can confer technical character to such claims.

The very purpose of a computer program is to be executed by a computer, and to be executed by a computer it must be stored on a computer-readable data storage medium. Even though both the computer and the data storage medium are without doubt technical apparatus, the implicit use of a computer or data storage medium cannot be sufficient to avoid exclusion of computer programs as such. Otherwise the exclusion would be rendered void.

II The diverging decisions

T 1173/97 found (see section 3.1) that a computer program must be considered to be patentable when it has technical character (Reasons, 5.3).

In determining what constituted 'technical character' for a computer program, it was assumed that programs for computers cannot be considered as having technical character for the very reason that they are programs for computers (Reasons, 6.1). Thus the physical modifications of the hardware (causing e.g. electrical currents and the switching of transistors) deriving from the execution of the instructions given by programs for computers cannot per se constitute the required technical character. The technical effect had to be found in the further technical effects deriving from the execution (by the hardware) of the instructions given by the computer program.

Thus the conclusion of the Board was (Headnote): "A computer program product is not excluded from patentability under Art. 52(2) and (3) EPC if, when it is run on a computer, it produces a further technical effect which goes beyond the 'normal' physical interactions between program (software) and computer (hardware)". The Board further noted that (Reasons, 13, 5th paragraph), regarding the exclusions under Art. 52(2) and (3) EPC, it

Documents to which reference is made

Footnote number	Corresponding document
1	5 th Meeting of the Inter-Governmental Conference for the Setting up of a European System for the Grant of Patents, held on 24-25 January and 2-4 February 1972, BR/168 e/72 eld/KM/gc
2	Practice notice dated 2 November 2006: ww.ipo.gov.uk/patent/p-decisionmaking/p-law/p-law-notice/p-law-notice-subjectmatter.htm
3	Practice notice dated 7 February 2008: www.ipo.gov.uk/patent/p-decisionmaking/p-law/p-law-notice/p-law-notice-subjectmatter-20080207.htm
4	T 1173/97 - Computer program product/IBM (OJ EPO 10/1999, 609)
5	T 424/03 - Clipboard formats/MICROSOFT
6	T 258/03 - Auction method/HITACHI (OJ EPO 12/2004, 575)
7	T 1284/04 - Loan system/KING
8	T 38/86 - Text processing/IBM (OJ EPO 9/1990, 384)
9	G 2/88 - Friction reducing additive/MOBIL OIL III (OJ EPO 4/1990, 93)
10	T 163/85 - Colour television signal/BBC (OJ EPO 9/1990, 379)
11	T 190/94 - No headword
12	T 125/01 - Gerätesteuerung/HENZE
13	T 1177/97 - No headword
14	T 172/03 - Order management/RICOH
15	T 833/91 - No headword
16	T 204/93 - No headword
17	T 769/92 - General purpose management system/SOHEI (OJ EPO 8/1995, 525)
18	Minutes of the 9 th meeting of Working Party I, Luxembourg, 12-22 October 1971, BR 135 e/71 prk
19	<i>See reference 8</i>
20	T 931/95 - Controlling pension benefits system/PBS PARTNERSHIP (OJ EPO 10/2001, 441)

21	Preliminary drafts of the EPC: - 2335/IV/65-E dated 22 January 1965 - BR/70/70 dated 21 December 1970
22	- <i>See reference 18</i> - Minutes of the Munich Diplomatic Conference for the Setting up of a European System for the Grant of Patents, Munich, 10 September to 5 October 1973, M/PR/I
23	<i>See reference 1</i>
24	Revision of the European Patent Convention, CA/100/00 e
25	"TRIPS und das Patentierungsverbot von Software 'als Solche'", Daniele Schiuma, GRUR Int 1998, p852 ff.
26	Minutes of the 14 th meeting of the Committee on Patent Law, 3-6 July 2000, CA/PL PV 14 e
27	Minutes of the 81 st meeting of the Administrative Council, 5-7 September 2000, CA/PV 81 e
28	Comments by CPCCI (Standing Conference of the Chambers of Commerce and Industry of the European Economic Community), 2 April 1973, M/18
29	<i>See reference 27</i>
30	Basic proposal for the revision of the European Patent Convention, 13 October 2000, MR/2/00
31	MR/8/00
32	MR/16/00
33	Agreement on Trade-Related Aspects of Intellectual Property Rights (Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization)
34	- C.M. Correa/A.A. Yusuf, Intellectual Property and International Trade: The TRIPS Agreement, p199 f. - Neef, in Busche/Stoll, TRIPs, Art. 27 Rdn. 33-34, p447 f.
35	<i>See reference 25</i>
36	"Proposal for a Directive of the European Parliament and of the Council on the patentability of computer-implemented inventions", COM(2002) 92 final, 20 February 2002
37	P5_TC1-COD(2002)0047 dated 26 March 2004 (OJ EU C 77 E, p230 ff.)

38	German Bundesgerichtshof decisions - X ZB 15/67 "Rote Taube", 27 March 1969 (GRUR 1969, 672 ff.) - X ZB 15/98 "Sprachanalyseeinrichtung", 11 May 2000 (GRUR Int 2000, 930 ff.)
39	P6_TA(2005)0275 dated 6 July 2005 (OJ EU C 157 E, p265)
40	Recommendation for Second Reading, A6-0207/2005 of 21 June 2005

Verfahrensordnung der
Großen Beschwerdekammer,

Rules of Procedure
of the Enlarged Board of Appeal

Règlement de procédure de la
Grande Chambre de recours

Artikel 10

Article 10

Article 10

Stellungnahmen Dritter

Statements by third parties

Observations des tiers

(1) Im Rahmen der Verfahren
gemäß
Artikel 112 EPÜ können
schriftliche Stellungnahmen,
die von Dritten eingereicht
werden und die in diesem
Verfahren zu
klärende Rechtsfragen betreffen,
nach
dem Ermessen der Kammer
behandelt
werden.

(1) In the course of proceedings
under
Article 112 EPC, any written
statement
concerning the points of law
raised in
such proceedings which is sent to
the
Board by a third party may be
dealt with
as the Board thinks fit.

(1) Au cours des procédures
visées à
l'article 112 CBE, la Chambre
traite
comme elle le juge bon toutes
observations
écrites qui lui sont adressées par
les tiers relatives aux questions
de droit
objet de ladite procédure.

(2) Die Kammer kann im
Amtsblatt des
Europäischen Patentamts nähere
Bestimmungen betreffend diese
Stellungnahmen bekanntmachen.

(2) The Board may announce
further
provisions concerning such
statements
in the Official Journal of the
European
Patent Office if it seems
appropriate.

(2) Si elle l'estime utile, la
Chambre
publie dans le Journal officiel de
l'Office
européen des brevets toutes
autres
dispositions concernant de telles
observations.

Mitteilung der Großen Beschwerdekammer zum Verfahren G 3/08

Die Präsidentin des Europäischen Patentamts hat der Großen Beschwerdekammer gemäß Artikel 112 (1) b) EPÜ Rechtsfragen vorgelegt, die die Grenzen der Patentierbarkeit von Programmen für Datenverarbeitungsanlagen gemäß Artikel 52 (2) c) und (3) EPÜ betreffen. Das Verfahren ist unter dem Aktenzeichen G 3/08 anhängig.

Die Vorlagefragen lauten:

1. Kann ein Programm für Datenverarbeitungsanlagen nur dann als Programm für Datenverarbeitungsanlagen als solches von der Patentierbarkeit ausgeschlossen werden, wenn es ausdrücklich als Programm für Datenverarbeitungsanlagen beansprucht wird?
2. a) Kann ein Anspruch auf dem Gebiet der Programme für Datenverarbeitungsanlagen das Patentierungsverbot nach Artikel 52 (2) c) und (3) EPÜ allein schon dadurch überwinden, dass ausdrücklich die Verwendung einer Datenverarbeitungsanlage oder eines computerlesbaren Datenspeichermediums erwähnt wird?
- b) Wenn Frage 2 a) verneint wird, ist zur Überwindung des Patentierungsverbots eine weitere technische Wirkung erforderlich, die über die Wirkungen hinausgeht, die mit der Verwendung einer Datenverarbeitungsanlage oder eines Datenspeichermediums zur Ausführung bzw. Speicherung eines Programms für Datenverarbeitungsanlagen inhärent verbunden sind?
3. a) Muss ein beanspruchtes Merkmal eine technische Wirkung auf einen physikalischen Gegenstand in der realen Welt hervorrufen, um einen Beitrag zum technischen Charakter des Anspruchs zu leisten?
- b) Wenn Frage 3 a) bejaht wird, ist als physikalischer Gegenstand eine nicht näher bestimmte Datenverarbeitungsanlage ausreichend?

Communication from the Enlarged Board of Appeal concerning case G 3/08

In accordance with Article 112(1)(b) EPC, the President of the European Patent Office has referred the following points of law concerning the limits of patentability of programs for computers within the meaning of Article 52(2)(c) and (3) EPC to the Enlarged Board of Appeal. The case is pending under ref. No. G 3/08.

The questions referred are:

1. Can a computer program only be excluded as a computer program as such if it is explicitly claimed as a computer program?
- 2.(a) Can a claim in the area of computer programs avoid exclusion under Art. 52(2)(c) and (3) merely by explicitly mentioning the use of a computer or a computer-readable data storage medium?
- (b) If question 2(a) is answered in the negative, is a further technical effect necessary to avoid exclusion, said effect going beyond those effects inherent in the use of a computer or data storage medium to respectively execute or store a computer program?
- 3.(a) Must a claimed feature cause a technical effect on a physical entity in the real world in order to contribute to the technical character of the claim?
- (b) If question 3(a) is answered in the positive, is it sufficient that the physical entity be an unspecified computer?

Communication de la Grande Chambre de recours concernant la procédure G 3/08

Conformément à l'article 112(1)b) CBE, la Présidente de l'Office européen des brevets a soumis à la Grande Chambre de recours des questions de droit relatives aux limites de la brevetabilité des programmes d'ordinateur au sens de l'article 52(2)c) et (3) CBE. L'affaire est en instance sous le numéro G 3/08.

Les questions de la saisine sont les suivantes :

1. Un programme d'ordinateur ne peut-il être exclu à titre de programme d'ordinateur en tant que tel que s'il est revendiqué de façon explicite en tant que programme d'ordinateur ?
2. a) Une revendication relevant du domaine des programmes d'ordinateur peut-elle échapper à l'exclusion prévue à l'article 52(2)c) et (3) CBE en mentionnant simplement de façon explicite l'utilisation d'un ordinateur ou d'un moyen d'enregistrement de données déchiffrables par ordinateur ?
- b) S'il est répondu par la négative à la question 2 a), un effet technique supplémentaire est-il nécessaire pour échapper à l'exclusion, ledit effet allant au-delà des effets inhérents à l'utilisation d'un ordinateur ou d'un moyen d'enregistrement de données en vue, respectivement, d'exécuter ou d'enregistrer un programme d'ordinateur ?
3. a) Une caractéristique revendiquée doit-elle produire un effet technique sur une entité physique dans le monde réel pour contribuer au caractère technique de la revendication ?
- b) S'il est répondu par l'affirmative à la question 3 a), suffit-il que cette entité physique soit un ordinateur non déterminé ?

c) Wenn Frage 3 a verneint wird, können Merkmale einen Beitrag zum technischen Charakter eines Anspruchs leisten, wenn die einzigen Wirkungen, zu denen sie beitragen, unabhängig von der jeweils verwendeten Hardware sind?

(c) If question 3(a) is answered in the negative, can features contribute to the technical character of the claim if the only effects to which they contribute are independent of any particular hardware that may be used?

c) S'il est répondu par la négative à la question 3 a), des caractéristiques peuvent-elles contribuer au caractère technique de la revendication si les seuls effets auxquels elles contribuent sont indépendants de tout matériel informatique particulier qui est susceptible d'être utilisé ?

4. a) Erfordert die Tätigkeit des Programmierens einer Datenverarbeitungsanlage notwendigerweise technische Überlegungen?

4.(a) Does the activity of programming a computer necessarily involve technical considerations?

4. a) L'activité consistant à programmer un ordinateur implique-t-elle nécessairement des considérations d'ordre technique ?

b) Wenn Frage 4 a bejaht wird, leisten dann alle Merkmale, die sich aus der Tätigkeit des Programmierens ergeben, einen Beitrag zum technischen Charakter eines Anspruchs?

(b) If question 4(a) is answered in the positive, do all features resulting from programming thus contribute to the technical character of a claim?

b) S'il est répondu par l'affirmative à la question 4 a), les caractéristiques résultant de la programmation contribuent-elles par conséquent toutes au caractère technique d'une revendication ?

c) Wenn Frage 4 a verneint wird, können Merkmale, die sich aus der Tätigkeit des Programmierens ergeben, nur dann einen Beitrag zum technischen Charakter eines Anspruchs leisten, wenn sie bei der Ausführung des Programms zu einer weiteren technischen Wirkung beitragen?

(c) If question 4(a) is answered in the negative, can features resulting from programming contribute to the technical character of a claim only when they contribute to a further technical effect when the program is executed?

c) S'il est répondu par la négative à la question 4 a), les caractéristiques résultant de la programmation ne peuvent-elles contribuer au caractère technique d'une revendication que si elles contribuent à un effet technique supplémentaire lors de l'exécution du programme ?

Der vollständige Text der Vorlage in englischer Sprache kann auf der Website des Europäischen Patentamts unter www.epo.org/patents/appeals/eba-decisions/referrals/pending.html abgerufen werden.

The text of the referral in the English language is available on the Website of the European Patent Office under www.epo.org/patents/appeals/eba-decisions/referrals/pending.html.

Le texte de la saisine en langue anglaise peut être consulté sur le site Internet de l'OEB à l'adresse suivante : www.epo.org/patents/appeals/eba-decisions/referrals/pending.html.

Die Große Beschwerdekammer wird sich in der folgenden Besetzung mit der Vorlage befassen:

The Enlarged Board of Appeal considering the referral will be composed as follows:

La Grande Chambre de recours qui examinera les questions de droit soumises sera composée de la façon suivante :

P. Messerli (Vorsitzender), M. Vogel (DE), D. Rees (GB), M. Dorn (DK), K. Härmand (EE), A. Klein (FR), J.-P. Seitz (FR).

P. Messerli (CH) (Chairman), M. Vogel (DE), D. Rees (GB), M. Dorn (DK), K. Härmand (EE), A. Klein (FR), J.-P. Seitz (FR).

P. Messerli (CH) (Président), M. Vogel (DE), D. Rees (GB), M. Dorn (DK), K. Härmand (EE), A. Klein (FR), J.-P. Seitz (FR).

Es ist damit zu rechnen, dass Dritte von der Gelegenheit Gebrauch machen wollen, schriftliche Stellungnahmen nach Artikel 10 der Verfahrensordnung der Großen Beschwerdekammer (ABI. EPA 2007, 303 ff.) einzureichen. Damit solche Stellungnahmen in geeigneter Form berücksichtigt werden können, sollten sie **bis Ende April 2009** unter Nennung des Aktenzeichens G 3/08 und unter Beifügung etwaiger neu aufgeführter Dokumente bei der Geschäftsstelle der Großen Beschwerdekammer eingereicht werden. Eine zusätzliche Einreichung der Stellungnahme und Dokumente in elektronischer Form wäre dienlich (Dg3registry_eba@epo.org).

It is expected that third parties will wish to use the opportunity to file written statements in accordance with Article 10 of the Rules of Procedure of the Enlarged Board of Appeal (OJ EPO 2007, 303 ff.). To ensure that any such statements can be given due consideration they should be filed together with any new cited documents by the **end of April 2009** at the Registry of the Enlarged Board of Appeal, quoting case number G 3/08. An additional filing of the statement and documents in electronic form would be appreciated (Dg3registry_eba@epo.org).

Il est probable qu'à cette occasion des tiers souhaiteront user de la possibilité de présenter des observations écrites conformément à l'article 10 du règlement de procédure de la Grande Chambre de recours (JO OEB 2007, 303 s.). Afin que ces observations puissent être dûment prises en compte, elles devront être présentées, avec tout nouveau document cité à leur appui, au greffe de la Grande Chambre de recours **d'ici la fin avril 2009**, sous le numéro de référence G 3/08. L'envoi électronique des observations et documents serait également apprécié (Dg3registry_eba@epo.org).

