

Notice from the Boards of Appeal on accelerating proceedings

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The possibility of accelerating proceedings before the Boards of Appeal (BoA) is long-established. It has always been of particular relevance when parallel proceedings, concerning the same underlying patent, are pending before national courts, or other competent authorities in EPC contracting states. With the establishment of the Unified Patent Court (UPC), accelerating proceedings has gained even greater significance. The conditions for accelerating proceedings are set out in Article 10(3) to (6) of the Rules of Procedure of the BoA (RPBA).

1. If a **party** requests acceleration under Article 10(3) RPBA, they shall cite their reasons for doing so, so that the board can take a discretionary decision on the matter. One valid reason for acceleration is that infringement or revocation proceedings, in respect of the same underlying patent, are pending before a national court, other competent authority in an EPC contracting state, or the UPC. The board shall inform the parties of its decision.

2. A **national court, other competent authority in an EPC contracting state, or the UPC** may request acceleration of appeal proceedings under Article 10(4) RPBA, without providing a specific reason. As a rule, the board will grant such requests. The board shall inform the requesting court or authority, as well as the parties, of its decision, which may include the date of oral proceedings if foreseen.

3. Under Article 10(5) RPBA, **boards** have the inherent discretion to accelerate proceedings pending before them of their own motion. This is done, in particular, when they become aware of infringement or revocation proceedings before a national court, other competent authority in an EPC contracting state, or before the UPC, i.e. without an explicit request. To facilitate the flow of information on parallel proceedings, the European Patent Office (EPO) and the UPC have concluded an agreement on data exchange between their registries.

Proceedings are accelerated by giving a case priority over others. In addition, boards may adopt a strict framework for the purpose of case management, keep time limits (e.g. for written submissions) as well as the overall proceedings duration to the legally allowable minimum, and issue early summons to oral proceedings (cf. Article 10(6) RPBA).

A **national court, other competent authority in an EPC contracting state, or the UPC** may submit a request for acceleration in writing to the postal address of the EPO (European Patent Office, 80298 Munich), whilst indicating the number of the patent underlying the proceedings before the requesting court or authority, or the application number of said patent, and/or the reference number of the appeal case concerning said patent. They may also contact the BoA by email, c/o the Head of Registry (headofregistry@epo.org), to request details of the procedural measures adopted or steps envisaged by the board dealing with the same patent as in a case pending before any of them.