

**Enlarged Board of Appeal EPO, 31 March 1993,
Examination of oppositions/appeals**

PATENT LAW

Examination by Opposition Division

- An Opposition Division or a Board of Appeal is not obliged to consider all the grounds for opposition re-ferred to in Article 100 EPC, going beyond the grounds covered by the statement under Rule 55(c) EPC.
- In principle, the Opposition Division shall examine only such grounds for opposition which have been properly submitted and substantiated in accordance with Article 99(1) in conjunction with Rule 55(c) EPC. Exceptionally, the Opposition Division may in applica-tion of Article 114(1) EPC consider other grounds for opposition which, prima facie, in whole or in part would seem to prejudice the maintenance of the Euro-pean patent.
- Fresh grounds for opposition may be considered in appeal proceedings only with the approval of the pat-entee.

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with Article 99(1) in conjunction with Rule 55(c) EPC. Exceptionally, the Opposition Division may in applica-tion of Article 114(1) EPC consider other grounds for opposition which, prima facie, in whole or in part would seem to prejudice the maintenance of the Euro-pean patent.

3. Fresh grounds for opposition may be considered in appeal proceedings only with the approval of the pat-entee.

Enlarged Board of Appeal EPO, 31 March 1993

(P. Gori E. Persson J. Brinkhof K. Bruchhausen R. Schulte G. Szabo P. van den Berg)

Decision of the Enlarged Board of Appeal dated 31 March 1993

G 10/91

Composition of the board:

President: P. Gori

Members: E. Persson J. Brinkhof K. Bruchhausen R. Schulte G. Szabo P. van den Berg

Headword: Examination of oppositions/appeals

Summary of Facts and Submissions

The Summary of Facts and Submissions and Reasons for the Decision are identical in their wording to the corresponding sections of [decision G 9/91, OJ EPO 1993, 408](#). The proceedings were consolidated.

Reasons for the Decision

The Summary of Facts and Submissions and Reasons for the Decision are identical in their wording to the corresponding sections of decision G 9/91, OJ EPO 1993, 408. The proceedings were consolidated.

Opinion

For these reasons it is decided that:

The question of law referred to the Enlarged Board by the President of the EPO is to be answered as follows:

1. An Opposition Division or a Board of Appeal is not obliged to consider all the grounds for opposition re-ferred to in Article 100 EPC, going beyond the grounds covered by the statement under Rule 55(c) EPC.

2. In principle, the Opposition Division shall examine only such grounds for opposition which have been properly submitted and substantiated in accordance