

separate from the ex parte examination proceedings with the consequence that they had become a party to the proceedings before the examining division. The board held that by filing a request for correction of the grant decision under R. 140 EPC a third party does not become a party to the examination proceedings.

In T. 1349/08 the board held that correction of the decision to grant belongs to the examination proceedings. Analogous to Art. 115 EPC a person – here the appellant (opponent), who is neither applicant nor patentee – contesting the allowability of a correction of a decision to grant under R. 140 EPC and requesting reinstatement of the original decision to grant, cannot thereby become a party to the proceedings, irrespective of whether or not the Appellant is adversely affected by said "decision", it cannot acquire the quality of party status to the examination proceedings.