

In T.1677/11 the board noted that the respondents had been aware of the closely related parallel appeal T.1760/11 of 16 November 2012, which had been decided by a board in an identical composition one week previously, right from the beginning of the current appeal proceedings. Nevertheless, it was only after an adverse decision in that case had been announced that the respondents raised their objections of suspected partiality in the case at issue. The board stated that regardless of whether the respondents had taken a specific procedural step in the current appeal proceedings, they had not submitted their objection immediately after having become aware of the reasons. It held that, in view of the fact that the objections raised were linked to both appeals, attendance at oral proceedings in T.1760/11 had to be regarded, in the factual context of the case now at issue, as a procedural step within the meaning of Art. 24(3) EPC. Thus, the objections under Art. 24(3) EPC were rejected as inadmissible.

In T.1020/06 of 15 May 2009 the board held that filing new requests after proceedings under Art. 24(4) EPC 1973 had been started did not render the partiality objection inadmissible.

In T.49/15 respondent 4 argued that the board's decision to admit the appellant's new main request had been a prerequisite for its partiality objection because it had only been then that the appellant had been favoured. The board rejected this argument: a party did not have to be adversely affected by a board decision before it could cite suspected partiality as a reason for objection.

In G.1/21 of 28 May 2021 the Enlarged Board considered that the appellant's third objection was filed inadmissibly late. The appellant had argued that because it was held in the first interlocutory decision that the Chairman of the Enlarged Board and a further member could be suspected of partiality, the members that participated in the panel with them would be "infected" by their biased views on the referral and therefore the suspicion of partiality also applied to them. The Enlarged Board stated that the risk of "infection" existed mainly before the filing of the first objection and the objection based on this circumstance could and should thus have been filed at that time. It was not credible that the risk of influencing other members only became a concern after the Enlarged Board had agreed with the appellant that its objection against the Chairman was justified. The Enlarged Board likewise held that Objections 2 and 4 were filed inadmissibly late. Both objections were based on circumstances that were known from the very start of the referral proceedings, and therefore could and should have been filed already at the time of filing the first objection at the latest.

### **3.3. Objection must be reasoned and substantiated**

In T.1028/96 of 15 September 1999 (OJ 2000, 475) the board stated that, in addition to the two admissibility conditions prescribed in Art. 24(3) EPC, the EPC required, as a general rule, that objections be reasoned, i.e. indicated facts and arguments which were alleged to support such an objection. From this requirement it followed, firstly, that an objection based on purely subjective unreasonable doubts should be rejected as inadmissible. It also followed that if facts and arguments filed could not support the