

situation. The appellant should have appointed a representative if he could not attend the oral proceedings himself.

b) Booked holidays

The board in T.1102/03 stated that, while a holiday was a possible valid basis for a request, it was not necessarily a sufficient reason for postponement. The board held that the case in hand presented circumstances which entailed a special organisational burden. The effort of postponing fixed oral proceedings until a date might be found which would suit numerous parties, the members of an extended board, and the facility management of the EPO, outweighed the effort of postponing or interrupting one representative's holiday booked to a destination within Europe. See also T.601/06, T.1610/08.

In R.11/12 the request for postponement was rejected since the representative's holidays ended three days before the scheduled oral proceedings; in addition, the planned birthday party for the day after the oral proceedings could not be regarded as being a serious reason justifying the postponing of the oral proceedings.

c) Business trips

Point 2.3 of the 2008 Notice lists "business trips which have been firmly booked before the notification of the summons to oral proceedings" as a serious reason for changing the date of oral proceedings (departments of first instance). In (vi) of Art. 15(2)(b) RPBA 2020 business trips have been added to holidays.

Concerning appeal proceedings, the board in T.869/06 accepted such a reason for changing the date of oral proceedings.

d) Speaking at a conference

In T.699/06 the board held that if European representatives wished to speak at conferences (even with the approval of clients whose cases are thereby delayed), the work of the boards of appeal and the interests of their clients' adversaries and the public should not be affected as a result. A representative who undertook such a commitment did so in the knowledge that this would make him unavailable to his clients, and unavailable to appear at any oral proceedings, on the date in question. See also T.2526/11. However, see T.902/07, in which the board referred to T.699/06, but granted the request to postpone oral proceedings after considering the agreement of the adversarial party's representative.

e) National holiday

In T.664/00 the appellant (patent proprietor) had requested an adjournment of oral proceedings due to a public holiday in the USA. The board rejected the request as national holidays in individual contracting states are not recognised by the EPO for practical reasons (see J.5/98). To allow for national holidays in non-contracting states throughout the world would be even less practical. See also T.2125/11.