

In T 427/05 the appellant filed one new main and 71 new auxiliary requests approximately six weeks before the oral proceedings. The respondent (opponent) submitted that none of these requests should be admitted into the proceedings; they were late-filed and too voluminous. Failing that, the oral proceedings should be postponed. The board decided there was no reason to postpone the oral proceedings in view of its decision to admit only those late-filed requests which related (albeit narrowed down in some cases) to the subject-matter which had been central to the discussions from the outset.

l) Proceedings before a national court

In T 392/97 the board ruled that the **subsequent** appointment of oral proceedings by a national patent court to take place on the same date as the previously appointed oral proceedings before the board was not in itself a sufficient reason for adjournment. See also T 932/16.

In T 228/09 the board considered, having regard to Art. 2.2 of the 2007 Notice, that unforeseen infringement proceedings could not generally be regarded as an acceptable ground for adjournment.

m) Postponement in order to avoid adverse decision of the board

In T 1053/06 the reasons given by the appellant (applicant) for requesting postponement of the oral proceedings clearly indicated that the appellant had chosen not to pursue the case further and would prefer its patent application to be lost for non-payment of the next renewal fee at a later date rather than by an adverse decision of the board at that time. Those reasons had to do solely with the convenience of the appellant, which, until it received the board's negative preliminary opinion, had preferred to pursue the appeal proceedings. The board refused the request for postponement.

n) Ongoing takeover negotiations between both parties

In T 1535/14 the board held that the reasons put forward, namely the existence of ongoing merger proceedings between both parties, did not prevent the parties attending the oral proceedings, but rather concerned their economic interests. Since both parties were appellants it appeared likely that oral proceedings would have to be held even in the event of the merger taking place. Postponement would be against procedural efficiency.

o) Expected childbirth by the partner of the professional representative

According to T 1101/13, that the partner of a professional representative was expected to give birth on a date close to the fixed oral proceedings could be accepted as a substantive reason for requesting a change of the date for oral proceedings. In the circumstances of the case, the board decided to maintain the date fixed for the oral proceedings.