

In J 4/03 the Legal Board decided that the desire of the appellant to be present himself at oral proceedings did not in itself amount to a serious ground for postponing the oral proceedings, in the absence of other special circumstances. The appeal turned essentially on how the law was to be applied to facts which were not in dispute, and so the presence or absence of a party who was duly represented in the proceedings should have no impact on the course of the proceedings or the final decision.

In T 231/13 the board held that the aim of Art. 15(2) RPBA 2007 and of the 2007 Notice was to fulfil the need for procedural economy while ensuring that the party could be duly represented during the oral proceedings. Attendance of one of the inventors was not relevant for the discussion of formal and substantive points in the oral proceedings, unless special issues arose, for example, in connection with a particular technical point. See also T 1212/04.

i) Flight cancellation along with impossibility of using other travel means

In T 174/16 the board held that it was unreasonable to consider a flight cancellation, along with the impossibility of using other travel means, not to constitute "serious reasons" within the meaning of the relevant provisions.

j) Postponement because of late receipt of board's communication

In T 569/11 the fact that the appellant became aware of the board's communication only shortly before the oral proceedings was not per se a reason that obliged the board to postpone the proceedings. Nevertheless, it was necessary to verify whether, in the light of the content of the communication, a postponement should be made in order to allow time for the appellant to react to the comments made by the board. This required an analysis of the points covered in the communication. In the case in hand, the board's communication did not include any new objection or any new evidence in comparison with the decision of the examining division. The facts of the case did not constitute an extraordinary circumstance (see T 1610/08) that would justify a postponement of the oral proceedings.

k) New evidence or requests

According to Art. 15(2)(c)(i) RPBA 2020, the filing of new requests, facts, objections, arguments or evidence, as a rule, do not justify a change of date.

In J 4/03 the Legal Board held that the desire of an applicant to file unspecified new evidence at an unspecified future date could not amount to a serious reason for postponing oral proceedings. Even in ex parte proceedings the appellant had to attempt to file any facts or evidence he wished to rely on before the set date of oral proceedings so that the board could exercise its discretion under Art. 114(2) EPC 1973 whether to admit the further evidence or not, on the basis of the relevant material.

In T 881/95 the request for postponement was refused because the evidence, which could only have been provided later, was not such as to affect the decision.