

or holding a particular view on an issue (see also T 843/91 of 17 March 1993; T 1028/96, OJ 2000, 475).

In T 843/91 of 17 March 1993 the board agreed with the view held in decision T 261/88 that disqualifying partiality presumed a preconceived attitude on the part of a deciding person towards a party. More precisely, in the board's view, partiality would be willingly to favour one party by granting it rights to which it was not entitled, or by intentionally disregarding the rights of the other party (see also T 954/98 of 9 December 1999). The question whether an objection to board members on the ground of suspected partiality was justified could only be decided in the light of the particular circumstances of each individual case (see G 5/91). The board found that, whatever their gravity, deficiencies, erroneous practices or procedural violations could not be regarded as a basis for an objection on the ground of partiality if they did not result from such a preconceived attitude or deliberate intention (see also T 1257/14 of 5 February 2018).

In T 792/12 the appellant contended that the board did not want to listen to his arguments and appeared to lack impartiality because it interrupted him on several occasions. The board rejected this contention and referred to Art. 15(4) RPBA 2007, according to which the chairman of the board presides over the oral proceedings and ensures their fair, orderly and efficient conduct. A chairman may interject in a party's submissions to ensure that the proceedings are efficiently conducted, in particular to avoid a party repeating arguments. In the same way, a chairman, or indeed any member of the board, may interrupt to ask questions which were, for example, considered important for reaching a decision.

5.3.3 Late filed objections under Article 24(3) EPC

In R 2/14 of 17 February 2015 the Enlarged Board of Appeal held that in the event of an objection to a member for suspected partiality pursuant to Art. 24(3) EPC, the statement of grounds of objection must contain the party's complete case in respect of the factual and/or legal circumstances that gave rise to the party's suspicion of partiality. The party may substantiate its initial submissions further during the proceedings. However, since the primary factual (and legal) framework has to be set in the party's initial statement, any subsequent submission must remain within that framework. Submitting new facts and/or legal aspects unrelated to or otherwise distinct from those previously submitted would constitute a new case outside the scope of the objection defined at the outset. In its catchword the Enlarged Board set out that the factual scope of an objection pursuant to Art. 24(3) EPC is defined in the statement of grounds of the objection initiating the interlocutory proceedings under Art. 24(4) EPC. Apart from a subsequent elaboration of said objection by supporting facts, evidence and arguments, the subject-matter of the proceedings, as a rule, cannot be extended or changed, whether by new facts or by a new objection. Accordingly, the Enlarged Board of Appeal did not admit a submission in which the petitioner referred to a new category of objections (personal or "subjective partiality" as opposed to structural or "objective partiality").