

In **T.1869/17** the request to postpone the oral proceedings was refused. The board stated that there is no bar to holding two oral proceedings on the same day. The reason for holding both oral proceedings on the same day was that both cases concerned divisional applications deriving from the same parent application. The description of both patents was essentially the same, so that any reasonable person would conclude that the cases were strongly related to each other.

6.1.4 Reasons submitted in a request for postponement

According to Art. 15(2) RPBA 2020 (see also the 2007 Notice) and the 2008 Notice (departments of first instance), a change in the date of oral proceedings can only be requested in case of "serious reasons" justifying the fixing of a new date. Differences in detail exist between Art. 15(2)(b) RPBA 2020 and the 2008 Notice. Art. 15(2)(b) RPBA 2020 and the 2008 Notice give examples of serious reasons that may justify a change of date. The lists are non-exhaustive.

Art. 15(2)(b) RPBA 2020 sets out a list of examples of reasons which have been taken, with slight adaptations from the 2007 Notice. The list of examples include: (i) notification of a summons to oral proceedings in other proceedings before the EPO or a national court received before notification of the summons to oral proceedings before the board; (ii) serious illness; (iii) a death within the family; (iv) marriage or formation of a similar recognised partnership; (v) military service or other obligatory performance of civic duties; (vi) holidays or business trips which have been firmly booked before notification of the summons to oral proceedings. Art. 15(2)(c) RPBA 2020 sets out a non-exhaustive list of examples of reasons which, as a rule, do not justify a change of date: (i) filing of new requests, facts, objections, arguments or evidence; (ii) excessive work pressure; (iii) unavailability of a duly represented party; (iv) unavailability of an accompanying person; (v) appointment of a new professional representative.

According to Art. 15(2) RPBA 2020 and if the party is represented, the serious reasons must relate to the representative, and not the client (see also **T.1916/09**, **T.2125/11**, **T.231/13**).

a) Serious illness

In **T.447/13** the board held that, for the purposes of deciding whether to grant a request for postponement of oral proceedings on grounds of illness, "serious illness" means an illness which is sufficiently serious to prevent the representative travelling to oral proceedings and satisfactorily presenting the case on the appointed day.

In **T.1246/10** the board accepted a first postponement of the oral proceedings in view of the exacerbation of the appellant's serious illness and the fact that the respondent did not object to a postponement. However, the board refused the second request to postpone oral proceedings filed less than one month before the scheduled date. The respondent opposed any postponement thereof. Furthermore, the board had no indication that a further postponement for a few months could change the appellant's personal health