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1. Possibility of filing auxiliary requests

In the proceedings before the EPO main and auxiliary requests are allowed (for grant proceedings see e.g. T 79/89, OJ 1992, 283; for opposition proceedings see e.g. T 234/86, OJ 1989, 79). An auxiliary request is a request for amendment which is contingent upon the main request (or preceding auxiliary requests) being held to be unallowable, T 153/85 (OJ 1988, 1). It is also a request for amendment covered by R. 86(3) EPC 1973 (R. 137(3) EPC), Art. 96(2) EPC 1973 and R. 51(2) EPC 1973 (Art. 94(3) EPC and R. 71(2) EPC), and, during appeal proceedings, Art. 110(2) EPC 1973 and R. 66(1) EPC 1973 (R. 100(1) EPC) (T 79/89, OJ 1992, 283).

2. Order of requests

2.1. Requirement to specify the order of requests

The established system of main and auxiliary requests in the proceedings before the EPO provides that parties, when filing alternative sets of claims, must indicate the order of preference for each set of claims (R 14/10, T 1125/13 of 25 June 2015, T 52/15). In T 255/05 the board held that under Art. 113(2) EPC 1973 (Art. 113(2) EPC) it was the applicant's responsibility to define the text on the basis of which it requested a patent to be granted. When the appellant, even after having been invited to do so by the board, did not clearly indicate the order in which its requests were submitted and what the exact content of each of these requests was, there was no text submitted or agreed by the