

succeed simply because the reasons for it fall within the examples of acceptable reasons (T 699/06, T 861/12).

For the question of whether a request for postponement of oral proceedings can lead to a different apportionment of costs under Art. 104 EPC, see chapter III.R.2.2. "Acts or omissions prejudicing the timely and efficient conduct of oral proceedings".

6.1.3 Request or reasons for postponement filed too late

A request for postponing the date of oral proceedings may be refused if it is late filed (T 601/06, T 1053/06, T 518/10, T 1101/13, T 1663/13, T 932/16).

In T 1080/99 (OJ 2002, 568) the board had made it clear in a letter sent almost three months before appointed oral proceedings that a request by a party for postponement of the oral proceedings did not meet all the requirements of the 2000 Notice. The party, instead of attempting to supplement its original request as soon as possible, chose to react to the board's letter only one week before the appointed oral proceedings. The board held that the additional reasons and evidence for the request for postponement were received too late and could therefore not be accepted.

In T 601/06 the board considered the request to postpone the oral proceedings to be late filed. The representative should have been aware when receiving the summons that he would be prevented from attending the oral proceedings and should have filed his request immediately. Filing the request more than one month later was not considered to fulfil the respective requirements of Art. 15(2) RPBA 2007 or of the 2007 Notice (see also T 485/09, T 182/14). The board also referred to T 514/06, in which a request for postponement was made a couple of days before the set date was granted. The board in T 601/06 considered that, taking into account the circumstances of T 514/06 (a case of death within the family), the request had not been late filed. See also T 231/13.

In T 676/16 the board received the request for postponement only three working days before the oral proceedings. The appellant, who was based in Ireland, cited the travel restrictions in place caused by the ongoing Covid-19 pandemic as a serious reason. The board stated that pursuant to Art. 15(2)(a) RPBA 2020, such a request should be filed as soon as possible after the summons to oral proceedings had been notified and the serious reasons in question had arisen. Parties were expected to consult the publicly available list of international risk areas by the Robert Koch Institute, in order to determine and inform the board in good time whether they would attend the arranged oral proceedings. The request for postponement of the oral proceedings was therefore refused.

In T 174/16, considering the particularities of the case in hand (flight cancellation along with the impossibility of using other travel means), the board held that it was unreasonable to draw the conclusion that the request for postponement filed less than 24 hours before the scheduled oral proceedings had been late filed. The board considered that the opposition division had committed a substantial procedural violation by not postponing oral proceedings.