

the board deemed the conditions for re-establishment to have been met. See also T 558/02 of 9 August 2002.

In T 387/11 the representative put forward a credible case that he had failed to observe the time limit for filing the statement of grounds because of severe psychological stress caused by a sudden and unexpected bereavement (see also T 970/12).

In T 600/18 the board held that the stress of the situation, in which the representative was forced by the circumstances to act himself instead of his well trained and supervised staff, as a consequence of being under pressure to let his staff leave early due to extremely poor weather conditions, could not be equated with one where a patent attorney was incapable of taking sound decisions due to sudden serious illness or a sudden and unexpected bereavement, as in cases T 525/91 or T 387/11.

In J 17/16 the Legal Board was satisfied that the appellant's executive manager had been suffering from unusually severe psychological stress owing to the demands on her time and the emotional distress associated with caring for her seriously ill father-in-law and with her mother's death (more than six months before expiry of the time limit at issue) and so, despite having taken due care, had not been in a position to observe the time limit for claiming priority.

However, in this context, the case law also requires an **effective system of staff substitution in case of absence** (see in this chapter III.E.5.4.5 "All due care in making provisions for staff absences").

5.4. Isolated mistake within a satisfactory system for monitoring time limits or for processing mail

An isolated mistake by an assistant that happens in a normally satisfactory system is excusable; for cases in which such a mistake occurred and the request for re-establishment was granted see, for example, T 462/02 of 11 February 2003, T 221/04 of 5 May 2004, T 836/09 of 17 February 2010, T 1815/15. The appellant or his representative must plausibly show that a normally effective system for monitoring time limits prescribed by the EPC was established at the relevant time in the office in question (J 2/86, J 3/86, OJ 1987, 362; J 23/92; T 428/98, OJ 2001, 494; J 3/12; J 4/12).

5.4.1 "Isolated mistake" by representative

The case law on "an isolated mistake in an otherwise satisfactory system" cannot be relied on to ignore a failure to act by the professional representative himself, unless there are special circumstances (T 1095/06).

In T 592/11 the board held that an isolated mistake by a professional representative in performing his check on the time limit once he has received the file to deal with was – as a rule at least – inexcusable (see also R 18/13 with reference to the travaux préparatoires).