

to hold oral proceedings in the absence of the party, even if the appellant had explicitly maintained its request for oral proceedings. In T 671/12 the board followed these decisions and held that it could not be the purpose of Art. 116 EPC that a party could oblige a board to hold oral proceedings in its absence. See also T 166/17.

4.3.3 Appeal inadmissible

In the absence of anything that can be regarded as a statement of grounds of appeal, the lack of any substantive response to a notification of the inadmissibility of the appeal is considered as equivalent to an abandonment of a request for oral proceedings initially made in the notice of appeal (see inter alia T 1042/07, T 234/10, T 179/11, T 2162/14, T 95/17, T 1293/18, T 362/18, T 1321/18, T 278/21). Holding oral proceedings would have served no other purpose than confirming the (undisputed) preliminary finding that no statement of grounds of appeal had been filed (T 2377/19).

In T 1573/20 the board considered that this situation was comparable to the "clearly inadmissible appeals" considered in decisions G 1/97 (OJ 2000, 322) and G 2/19 (OJ 2020, A87). These decisions were concerned with appeals by a non-party or based on non-existing remedies only. The board was convinced that the Enlarged Board did not consider these examples to be exhaustive. Rather, it acknowledged as a matter of principle that there are exceptions to the right to oral proceedings under Art. 116 EPC (see also T 2377/19).

4.3.4 Explicit withdrawal of request for oral proceedings – reimbursement of appeal fee

Under R. 103(4)(c) EPC, 25% of the appeal fee is reimbursed if any request for oral proceedings is withdrawn within one month of notification of the communication issued by the board in preparation for the oral proceedings, and no oral proceedings take place.

In T 517/17 the appellant's indication that it would not attend oral proceedings was taken as an implicit withdrawal of its request for oral proceedings for the purposes of R. 103(4)(c) EPC (see also T 202/18). Another interpretation is that R. 103(4)(c) applies only if the party **explicitly** withdraws its request for oral proceedings (T 73/17, T 191/17 and T 2698/17). For further information, see chapter V.A.11.12 "Partial reimbursement (25%) under Rule 103(4) EPC".

4.4. Further oral proceedings before the same department

According to Art. 116(1), second sentence, EPC the EPO may reject a request for further oral proceedings before the same department where the parties and the subject of the proceedings are the same.

4.4.1 Same subject of proceedings

According to the case law of the boards of appeal, the subject of the proceedings is the same if no substantially new situation has arisen after the first oral proceedings that could