Europäisches Patentamt
European Patent Office
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Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
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Then Christoph
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ALLEMAGNE

Date
16.03.21

Zeichen/Reference/Référence	/ OPPO01
Anmeldung Nr./Application No./Demande n°//Patent Nr./Patent No./Brevet n°	09771493.5 / 2373154
Anmelder/Applicant/Demandeur//Patentinhaber/Proprietor/Titulaire	Carlsberg Breweries A/S, et al

Appeal number: **T0420/19-3.3.04**

Summons to oral proceedings pursuant to Rule 115(1) EPC

You are hereby summoned to the oral proceedings concerning the above appeal.
The proceedings are scheduled to take place

on 25.06.21 at 09:30 hrs

by videoconference (VICO)

The oral proceedings held by VICO will be public (public access to the VICO hearing will be provided; for more details, please consult the homepage of the Boards of Appeal).

You are requested to connect to the VICO system at least **15 minutes** before the start of the hearing, so that your ID (and authorisation) may be checked in advance.
The EPO supports the following technologies for connecting to oral proceedings in appeal held as a videoconference:-

- Zoom desktop client installation on Windows, Mac OS (version 4.5.3261.0825 or higher)
- Zoom mobile App for iOS (version 4.5.0 [3261.0825] or higher) or Android (version 4.5.3261.0825 or higher).

If you have any of the above Zoom setup you are advised to run a compatibility test of your equipment with the EPO, preferably at least 10 working days before the oral proceedings are due to take place (see "Test call" below).
Please note that due to its limited functionality, **the Zoom Web client is not suitable to attend oral proceedings in appeal requiring simultaneous interpretation.**
It is thus not possible to use the Zoom Web client.

Registered letter

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You are furthermore reminded of the following:

- if a party who has been duly summoned to oral proceedings fails to connect to the Board's VICO system for reasons other than technical problems, the proceedings may continue without that party (Rule 115(2) EPC; Article 15(3) RPBA 2020).
- oral proceedings will only be postponed at the request of a party for serious reasons (see Article 15(2) of the Rules of Procedure of the Boards of Appeal of the European Patent Office).
- as regards filing authorisations for representatives or company employees, see Decision of the President of the EPO dated 12.7.2007 on the filing of authorisations in Special edition No. 3 OJ EPO 2007, 128.
- concerning the language of the proceedings, attention is drawn to Rule 4 EPC. Notice given pursuant to Rule 4(1) EPC before the first instance is not valid in proceedings before the Boards of Appeal.
- attention is drawn to Rule 103(3)(a), (4)(a) and (c) EPC, according to which it is possible, under certain circumstances, to obtain a partial reimbursement of the appeal fee if the appeal or the request for oral proceedings is withdrawn.
- no image or sound recording may be made of any part of the oral proceedings.
- during oral proceedings held by VICO, documents filed subsequently, as referred to in Rule 50 EPC, including authorisations, must be filed by email. In appeal proceedings, documents must be sent to the email address indicated by the Board. Where applicable, documents must also be sent to the email addresses indicated by the other parties (see Decision of the President of the European Patent Office dated 13 May 2020 concerning the filing of documents during telephone consultations and during interviews and oral proceedings held by videoconference in proceedings before the European Patent Office and the Boards of Appeal, OJ EPO 2020, A71).
- a communication containing further technical instructions and contact details (VICO link, telephone number, email address, etc.) will be despatched at the latest <u>two weeks</u> before the scheduled hearing.

Please therefore supply the Boards of Appeal as soon as possible with the following contact data and information concerning your videoconference studio:

- <u>name, telephone number and email address of contact person to whom the EPO is to communicate the connection details;</u>
- <u>names of the party's (parties') representative(s) and of any other person(s) who will be attending the VICO;</u>
- type and name of videoconference equipment;
- telephone number, including country and area code, of videoconference studio.

To ensure that the aforementioned data does not become publicly available, please submit it in a dedicated document and not together with procedural or factual submissions. Documents that (also) contain such submissions, will in principle become part of the publicly accessible file.

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Users are strongly advised to perform a test call in good time prior to the date of the appeal oral proceedings, i.e. at leat 10 working days in advance. The EPO offers the possibility for test calls on Mondays to Fridays (except days on which the EPO filing offices are closed) from 13:00 to 16:00 hours CET.

A test call can be arranged by contacting the EPO Serviceline on Mondays to Fridays (except days on which the EPO filing offices are closed) from 7:30 to 18:00 hours CET, by telephone

EPO Serviceline will schedule a 30 minutes test session and send you an invitation with the connection details for the call.

Important
Please inform the EPO without delay in the event that the detailed information needed for the videoconference connection is not received in good time before the scheduled date of the oral proceedings to be held by VICO.

Composition of the Board

Chairwoman: G. Alt
Member: A. Chakravarty
Member: L. Bühler

For any urgent communication in connection with the oral proceedings please use only EPO Online Services (preferably) or fax No. + 49 (0) 89 2399 3014.

If you are planning not to attend the oral proceedings or if you are aware of any matter that could have a bearing on the appointment of interpreters, you are requested to inform the Board of this, preferably in writing, at the earliest possible opportunity.

The Registrar I. Aperribay
Tel.: 089 / 2399 - 3341

Annex(es):
- ☑ Confirmation of receipt Form 3936
- ☑ Communication pursuant to Article 15(1) of the Rules of Procedure of the Boards of Appeal
- ☐
- ☑ Technical guidelines Zoom/ EPO date protection guidance Zoom

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Oral proceedings in appeal held as a videoconference at the Boards of Appeal of the European Patent Office - technical guidelines

The technical infrastructure has been put in place now to enable the holding of oral proceedings held as a videoconference in appeal requiring simultaneous interpretation and/or several parties. Users interested in holding such oral proceedings should familiarize themselves with the following technical requirements and recommendations.

Supported systems

The EPO supports in these cases the following technologies for connecting to oral proceedings in appeal held as a videoconference:

- Zoom desktop client installation on Windows, Mac OS (version 4.5.3261.0825 or higher)
- Zoom mobile App for iOS (version 4.5.0 [3261.0825] or higher) or Android (version 4.5.3261.0825 or higher).

If you have any of the above Zoom setup you are advised to run a compatibility test of your equipment with the EPO, preferably at least 10 working days before the oral proceedings are due to take place (see "Test call" below).

Please note that due to its limited functionality, the Zoom Web client is not suitable to attend oral proceedings in appeal requiring simultaneous interpretation. It is thus not possible to use the Zoom Web client.

General requirements

- **System**
  Please make sure to use a powerful computer running a recent Windows, or Macintosh operating system to prevent resource issues for the Zoom desktop client application. The same applies to your mobile device if you want to use Zoom mobile App for iOS or Android.

- **Bandwidth**
  Please make sure enough Internet bandwidth is available. You should have at least 2Mbps of free up- and download bandwidth. A cabled network connection is preferable over a wireless connection.

- **Camera**
  Please use a good quality webcam (HD 720p or above), preferably a PTZ (Pan-Tilt-Zoom) model. Please be advised that most built-in webcams do not deliver the required quality and flexibility.

- **Audio**
  Please use a high quality audio device, e.g. microphone and speakers or a headset with a frequency response of at least 125 Hz to 15000 Hz) and an echo-cancelling function (preferably a wired headset certified for Zoom (https://support.zoom.us/hc/en-us/articles/360026690212-Supported-USB-HID-devices-for-the-Zoom-Desktop-Client)).

- **Monitor/Screen**
  Please make sure a good quality monitor/screen is used; the larger the screen the better the legibility.

For more information see Getting started (https://support.zoom.us/hc/en-us/categories/200101697) in the Zoom help center.

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Test call

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A test call can be arranged by contacting the EPO Serviceline on Mondays to Fridays (except days on which the EPO filing offices are closed, https://www.epo.org/service-support/holidays.html) from 7:30 to 18:00 hours CET, by telephone +31703404444 or by e-mail serviceline@epo.org.

EPO Serviceline will schedule a 30 minutes test session and send you an invitation with the connection details for the call.

Goals that need to be met in the test are:

- Use of the Zoom Desktop application
- A stable connection, both audio and video should be of adequate quality
- Presentation of content should be possible in both directions.

Privacy

During the pilot phase, the ZOOM general privacy statement applies, including the aspects about collected data, how they are used, retention policy, security, and specific privacy rights for European residents: Zoom privacy statement (https://zoom.us/privacy).

The EPO will keep connection details as communicated by the parties as non-public information.

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EPO data protection guidance when using Zoom for oral proceedings by VICO

Oral proceedings in appeal organised through Zoom Video Communications: information for users regarding data protection

Zoom Video Communications ("Zoom") is a cloud-based videoconferencing (VICO) platform enabling the successful organisation of events in a virtual environment such that effective interaction between participants is as close as possible to a face-to-face experience.

With a view to the needs of patent proprietors and users to continue enjoying access to all patent procedures the EPO has decided to launch a pilot project in appeal by videoconference. Within this framework, Zoom is tested to hold proceedings which require simultaneous interpretation and/or multiple parties.

This pilot project forms part of our Business Continuity https://www.epo.org/news-events/covid-19.html scenario (launched in response to the operational disruption caused by the coronavirus pandemic). As such, the data processing operation is based on Article 5(a) of the EPO Data Protection Guidelines https://www.epo.org/about-us/office/data-protection-and-privacy.html ("processing is necessary for the performance of a task carried out on the basis of the EPC or in the exercise of official authority vested in the EPO").

Personal data is processed by the EPO for the purpose of organising these oral proceedings.

For more information on the processing of personal data by Zoom or its subcontractors, please consult their privacy policy (https://zoom.us/privacy). Zoom signs agreements with all its service providers that prevent them from processing of data for their own purposes or for the purposes of another third party.

When the EPO organises an oral proceeding on the Zoom platform and invites the parties to dial-in, we will do so according to the most secure options available; the EPO nevertheless strongly recommends its users to not share any confidential data when exchanging information using Zoom. For more information, please refer to the User Technical Guidelines.

(https://www.epo.org/applying/online-services/proceedings/technical-guidelines.html).

The data processed by Zoom for the purpose of oral proceedings in appeal by VICO is as follows.

- username;
- general information about service preferences;
- information about each user's device, network and internet connection, such as IP address(es), MAC address, other device ID (UDID), device type, operating system type and version, and client version;
- information about usage of or other interaction with Zoom Products ('Usage Information');
- other information the user uploads, provides or creates while using the service;
- metadata used for the maintenance of the service provided;
- optional data: telephone number of a person making a call using Zoom services (e.g. Zoom Phone) and data collected through the use of cookies and tracking pixels (only in case the user visits one of Zoom marketing website).

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Additional data could be collected depending on whether the user joins the virtual event through an Android or an iOS device. As part of the nature of a collaborative tool, additional personal data may be included in the information that is exchanged between the Office and stakeholders, such as instant messages, images, files, whiteboards, recordings (if previously agreed), contacts, metadata used for the maintenance of the service provided.

Personal data processed by the data controller or the service providers under its supervision are generally stored for the period of time necessary to achieve the purpose for which they have been processed.

This guidance will be further developed during the course of the pilot project.

If you have any question on data protection matters, please submit it to this Mailbox (https://forms.epo.org/service-support/contact-us/contact0-form.html) and it will be routed to the EPO Data Controller.

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The Registry

Name: I. Aperribay
Tel.: 089 / 2399 - 3341

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Zeichen/Reference/Référence			
		/	OPPO01
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Anmelder/Applicant/Demandeur//Patentinhaber/Proprietor/Titulaire			
Carlsberg Breweries A/S, et al			

Appeal number: T0420/19-3.3.04

EPA/EPO/OEB Formblatt/Form/Formulaire: 3011.2 + 3350

Empfangsbescheinigung über den Zugang des vorstehend bezeichneten Schriftstücks
Acknowledgement of receipt of the document specified above
Récépissé du document spécifié ci-dessus

Unter Bezugnahme auf die Mitteilung im ABl. EPA 7/2010, 377 wird gebeten, die Empfangsbescheinigung mit Empfangsdatum und Unterschrift zu versehen und **umgehend** an das EPA zurückzusenden:

With reference to the Notice in OJ EPO 7/2010, 377, you are requested to date and sign the acknowledgement of receipt and return it to the EPO **immediately:**

Conformément au communiqué paru au JO OEB 7/2010, 377, vous êtes prié d'indiquer sur le récépissé la date de réception du document, de signer le récépissé et de le renvoyer **sans délai** à l' OEB:

- **über die Online-Dienste des EPA** (als Anlage zu EPA Form 1038) / **through EPO Online Services** (as annex to EPO Form 1038) / **par les services en ligne de l'OEB** (en tant que pièce jointe au formulaire OEB 1038),
- **per Fax / by fax / par téléfax (+49 (0) 89 2399-4465 or +31 (0)70 340-3016)**
- oder per Post / or by post / ou par courrier

Empfangen am / Received on / Reçu le:

Unterschrift / Signature:

Empfangsberechtigter/authorised recipient/
le destinataire ou la personne dûment mandatée

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