

*[Abstract prepared by the PCT Legal Division (PCT-2017-0002)]*

Case Name:

[APPLICANT V. EUROPEAN PATENT OFFICE](#)

Decision Date:

15 December 2016

Jurisdiction:

EUROPEAN PATENT ORGANISATION

Abstract:

The application was deemed withdrawn during the national phase due to non-payment of renewal fees, resulting from a missed docketing entry. The applicant filed a request for re-establishment of rights, but the Examining Division rejected its request for the applicant's failure to exercise "all due care". On appeal, Board of Appeal of the European Patent Office dismissed the case finding that "all due care" requires an isolated error in spite of a cross-checking docketing system. The applicant lacked an independent and effective cross-checking docketing system because its docketing system failed to catch missed entries. Moreover, the applicant ignored the communication from its European attorney notifying that the application would be withdrawn if the renewal fee was not paid within the additional six-month grace period.

PCT Legal References:

- Article 48(2)
- Rule 82*bis*