

Lange Violettestraat 181
9000 Gent
Belgium
26 April 2021

Dear Sirs

G-1/21 and T-990/16-3.3.01

In T-990/16, I am a co-party in and the representative for OPPO-02.

Oral proceedings in T-990/16 are set for 19-20 May 2021. The Technical Board of Appeal has said that it will reconsider this date since I have asked for a postponement. My request was dated 2 April 2021 and the TBoA's reply 19 April 2021.

There are two other parties in T-990/16: one, the patentee, is represented by a Munich-based attorney; the other, the Danish opponent OPPO-01, is represented by a UK-based attorney.

In the UK, COVID vaccination has reached a high level, and OPPO-01 has confirmed that it would attend the oral proceedings on this appeal in May. The patentee, represented by a Munich-based attorney, has likewise confirmed that it would be present.

I am based in Belgium and have not yet received the COVID vaccination, and have no indication as to when such vaccination might be possible.

I have practised as a patent and trademark attorney for decades. In that practice, I have found that hearings held by video disadvantage the distant participant. As a result, I do not want to present OPPO-02's case in T-990/16 by video, especially if the other parties can be physically present. This I have brought to the attention of the TBoA.

The case T-990/16 is of particular importance since I am asking the TBoA to refer questions to you, the Enlarged Board of Appeal in regard to your **incorrect** interpretation of Art. 53 EPC in G-1/04.

Yours respectfully

Julian Cockbain