

European Patent Office
Boards of Appeal
Richard-Reitzner Allee 8
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Sint-Martens-Latem, 7 February 2020

Online filing

Our ref. : TBI-2771468-OPP

Re. : Appeal **T0844/18-3.3.08**

Opposition against European Patent no. 2 771 468 B1

In the name of The Broad Institute, Inc., Massachusetts Institute of Technology,
President and Fellows of Harvard College

Dear Madam, Dear Sir,

We refer to the Minutes of the oral proceedings in T0844/18-3.3.08. The Appellants request that two corrections to these minutes be made.

The first requested correction is to page 5, second paragraph, where it is recorded that "*The conditions for a referral and whether in this case questions should be referred to the Enlarged Board of Appeal was discussed with the parties. This discussion was continued after a brief adjournment.*" The Appellants request that this paragraph be corrected to include the request by O1 made during the hearing that each party be heard on the question of whether there should be a referral and whether the conditions for a referral are met for each of the three questions as set out by the Board in the first paragraph of page 5 of the Minutes. The Appellants propose the following amendment:

The Chairman agreed that ~~the~~ the conditions for a referral and whether in this case questions should be referred to the Enlarged Board of Appeal would be ~~was~~ discussed with the parties separately for each of the three questions set out immediately above once the debate on these questions was closed.

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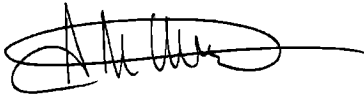
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The second requested correction is the paragraph bridging page 6 and page 7, and the first full paragraph of page 7. The correction concerns the Appellants procedural request 4 as submitted to the Board and found at Annex A of the Minutes. The Appellants propose an amendment to the paragraph bridging pages 6 and 7 as follows:

The Appellants asked for and were granted a 30 minute adjournment. Upon resumption of the oral proceedings the Appellants stated that they expected a discussion of whether questions were to be referred to the Enlarged Board of Appeal and that they considered that such a discussion was needed. Appellants referred to Request 4 of their procedural requests as submitted on day 1 of the oral proceedings, and found at Annex A of these Minutes, which was a request for a referral in case the Board was minded not to decide that entitlement to priority of the Patent to P1, P2, P5 and P11 was validly claimed. After a brief discussion between the Appellants and the Board on this point the Chairman adjourned the oral proceedings for 10 minutes.

The Appellants also propose an additional sentence to the end of the first full paragraph of page 7: The Appellants confirmed that they understood from this that the Board did not consider it necessary to hear the parties on Request 4 of Annex A as the Board had decided that the patent was not entitled to priority.

Respectfully submitted,



Mrs. DE CLERCQ, Ann

Professional Representative before the EPO