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**Datasheet for the interlocutory decision  
of 10 July 2023**

**Case Number:** R 0006/20

**Appeal Number:** T 2227/15 - 3.2.07

**Application Number:** 09251666.5

**Publication Number:** 2140987

**IPC:** B26B19/06, B26B19/20, B26B19/38

**Language of the proceedings:** EN

**Title of invention:**  
Blade assembly

**Patent Proprietor:**  
Andis Company

**Opponent:**  
Wahl GmbH

**Headword:**

**Relevant legal provisions:**  
EPC Art. 128(4)  
EPC R. 144(d)

**Keyword:**

Exclusion from file inspection (yes)

**Decisions cited:**

**Catchword:**



**Große Beschwerdekammer**  
**Enlarged Board of Appeal**  
**Grande Chambre de recours**

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Case Number: R 0006/20

**I N T E R L O C U T O R Y   D E C I S I O N**  
**of the Enlarged Board of Appeal**  
**of 10 July 2023**

**Petitioner:** Wahl GmbH  
(Opponent) Villinger Straße 4  
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**Representative:** Stolmár & Partner  
Patentanwälte PartG mbB  
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80331 München (DE)

**Other party:** Andis Company  
(Patent Proprietor) 1800 Renaissance Boulevard  
Sturtevant, WI 53177 (US)

**Representative:** Pinnington, Giles Oliver  
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1 New York Street  
Manchester M1 4HD (GB)

**Decision under review:** **Decision of the Technical Board of Appeal 3.2.07  
of the European Patent Office of  
29 January 2020.**

**Composition of the Board:**

**Chairman** C. Josefsson  
**Members:** B. Müller  
A. Usuelli

## **Summary of Facts and Submissions**

- I. On 27 May 2020 the opponent filed a petition for review directed against the decision of Technical Board 3.2.07 in appeal case T 2227/15. By that decision, the Board dismissed the opponent's appeal against the decision of the Opposition Division rejecting the opposition filed against European patent number 2 140 987. The petition for review is based on Article 112a(2)(c) EPC, more precisely on the grounds that a fundamental violation of the right to be heard, Article 113(1) EPC, occurred. The petitioner requests *inter alia* that the decision under review be set aside and that appeal proceedings be re-opened.
- II. In the petition it is also requested that a non-disclosure agreement ("Geheimhaltungsvereinbarung") attached to it be excluded from file inspection (see point 3 *in fine* and point 2.4.2.3).

The present decision is given on this latter request only. The petition for review is the subject of a separate decision.

## **Reasons for the Decision**

1. Further to the request for exclusion of the non-disclosure agreement from file inspection, pursuant to Article 1(3) and (2)(a) of the "Decision of the President of the European Patent Office dated 12 July 2007 concerning documents excluded from file inspection" (originally published in OJ EPO 2007, Special edition No. 3, 125, published again in OJ EPO 2020, Supplementary publication 1, 102) adopted having

regard to Article 128(4) and Rule 144(d) EPC, this document was excluded from file inspection provisionally, pending a final decision on the request.

2. With the present decision the request for exclusion from file inspection is granted, because the inspection of the non-disclosure agreement, in view of its contents, would be prejudicial to the legitimate personal or economic interests of natural or legal persons pursuant to Article 1(2) (a) of the aforementioned decision of the President of the EPO. Furthermore, the document has no bearing on the review proceedings.

## Order

### **For these reasons it is decided that:**

The non-disclosure agreement ("Geheimhaltungsvereinbarung") attached to the petition is excluded from file inspection.

The Registrar:

The Chairman:



N. Michaleczek

C. Josefsson

Decision electronically authenticated