

**W. (No. 20)**

**v.**

**EPO**

**130th Session**

**Judgment No. 4330**

THE ADMINISTRATIVE TRIBUNAL,

Considering the twentieth complaint filed by Mr J. M. W. against the European Patent Organisation (EPO) on 14 August 2019;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

**CONSIDERATIONS**

1. In February 2015 the complainant filed his nineteenth complaint with the Tribunal. In March 2017 the EPO informed him that the President of the Office had withdrawn the final decision impugned in that complaint in light of the Tribunal's ruling in Judgment 3694, and that the case had been referred back to the Appeals Committee to be examined afresh. In view of this development, the complainant was invited to withdraw his nineteenth complaint, but he declined to do so.

2. Having reviewed the case again, the Appeals Committee issued a new recommendation and on 28 May 2019 the President took a new final decision rejecting the complainant's appeal. This is the decision that the complainant impugns in these proceedings.

3. In challenging the decision of 28 May 2019, the complainant argues, firstly, that the President could not legally withdraw his previous

final decision and, secondly, that following the President's decision to refer the case back to the Appeals Committee, his appeal ought to have been examined in accordance with the rules in force at the time when it was initially filed, in 2012.

4. However, both of these issues have already been conclusively determined by the Tribunal to the contrary in Judgment 4256, for the first issue, and in Judgment 3895, for the second. The complainant puts forward no argument which would justify departing from those precedents in this case.

5. It follows that his twentieth complaint is clearly devoid of merit and must be summarily dismissed in accordance with the procedure set out in Article 7 of the Rules of the Tribunal.

#### DECISION

For the above reasons,  
The complaint is dismissed.

In witness of this judgment, adopted on 13 July 2020, Mr Patrick Frydman, President of the Tribunal, Ms Dolores M. Hansen, Vice-President of the Tribunal, and Mr Giuseppe Barbagallo, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered on 24 July 2020 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

DOLORES M. HANSEN

GIUSEPPE BARBAGALLO

DRAŽEN PETROVIĆ