

**M. (T.) (No. 10)**

**v.**

**EPO**

(Application for review)

**132nd Session**

**Judgment No. 4442**

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for review of Judgment 4329 filed by Mr T. P. C. M. on 8 August 2020;

Considering Articles II, paragraph 5, and VI, paragraph 1, of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

**CONSIDERATIONS**

1. By Judgment 4329, delivered in public on 24 July 2020, the Tribunal dismissed the complainant's tenth complaint filed against the European Patent Organisation (EPO) since it found that the complainant, a former official of the EPO, did not allege any breach of his terms of appointment or of provisions of the EPO's Service Regulations that were applicable to him. It found the complaint clearly irreceivable and dismissed it summarily in accordance with the procedure set out in Article 7 of the Rules of the Tribunal.

2. In his application for review of Judgment 4329, firstly, the complainant contests the Tribunal's reference to him as a "former" permanent employee of the EPO, since he considers himself to still be an employee of the EPO albeit in receipt of an invalidity pension. Secondly, he re-affirms that he and his family are "attacked" and "molested" at their domicile by malware installed by the EPO. Thirdly,

although it is difficult to understand from his submissions what exactly his argument is, he seems to consider that the Tribunal wrongly viewed him as an offender rather than as a victim.

3. Pursuant to Article VI of its Statute, the Tribunal's judgments are "final and without appeal" and have *res judicata* authority. They may therefore be reviewed only in exceptional circumstances and on strictly limited grounds. The only admissible grounds for review are failure to take account of material facts, a material error involving no exercise of judgement, an omission to rule on a claim, or the discovery of new facts which the complainant was unable to rely on in the original proceedings. Moreover, these pleas must be likely to have a bearing on the outcome of the case. Pleas of a mistake of law, failure to admit evidence, misinterpretation of the facts or omission to rule on a plea, on the other hand, afford no grounds for review (see Judgment 3899, consideration 3, and the case law cited therein).

4. With regard to the complainant's first argument, the Tribunal notes that in the complaint form that he submitted when filing his tenth complaint, the complainant himself indicated that his status was that of a "former official". In any case, the exact status of an official in receipt of an invalidity pension has no bearing whatsoever on the finding of the Tribunal that the complainant failed to allege "any breach of his terms of appointment or of provisions of the EPO's Service Regulations that are applicable to him", as required under Article II, paragraph 5, of the Statute of the Tribunal. For the remaining arguments in the application, none of them amounts to an admissible ground for review having regard to the case law cited above.

5. Consequently, the application for review 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 application for review is dismissed.

In witness of this judgment, adopted on 14 June 2021, 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 7 July 2021 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

DOLORES M. HANSEN

GIUSEPPE BARBAGALLO

DRAŽEN PETROVIĆ