

grounds, it shall be remitted to the Board of Appeal without delay, and without comment as to its merit.

Article 110

Examination of appeals

(1) If the appeal is admissible, the Board of Appeal shall examine whether the appeal is allowable.

(2) In the examination of the appeal, which shall be conducted in accordance with the provisions of the Implementing Regulations, the Board of Appeal shall invite the parties, as often as necessary, to file observations, within a period to be fixed by the Board of Appeal, on communications from another party or issued by itself.

(3) If the applicant fails to reply in due time to an invitation under paragraph 2, the European patent application shall be deemed to be withdrawn, unless the decision under appeal was taken by the Legal Division.

Article 111

Decision in respect of appeals

(1) Following the examination as to the allowability of the appeal, the Board of Appeal shall decide on the appeal. The Board of Appeal may either exercise any power within the competence of the department which was responsible for the decision appealed or remit the case to that department for further prosecution.

(2) If the Board of Appeal remits the case for further prosecution to the department whose decision was appealed, that department shall be bound by the *ratio decidendi* of the Board of Appeal, in so far as the facts are the same. If the decision which was appealed emanated from the Receiving Section, the Examining Division shall similarly be bound by the *ratio decidendi* of the Board of Appeal.

Article 112

Decision or opinion of the Enlarged Board of Appeal

(1) In order to ensure uniform application of the law, or if an important point of law arises:

gen uden ophold og uden udtalelse vedrørende sagens beskaffenhed fremsendes til appelkammeret.

Artikel 110

Behandling af klagen

1) Kan klagen antages, undersøger appelkammeret, om der kan gives klageren medhold.

2) Under behandlingen af klagen, der skal foregå i overensstemmelse med gennemførelsesforskrifterne, opfordrer appelkammeret så ofte, det er nødvendigt, parterne til inden for en af kammeret fastsat frist at udtale sig om meddelelser fra kammeret eller indlæg fra de øvrige parter.

3) Unnlader ansøgeren rettidigt at besvare en opfordring, som er fremsat i henhold til stk. 2, betragtes den europæiske patentansøgning som tilbagetaget, medmindre den påklagede afgørelse er truffet af den juridiske afdeling.

Artikel 111

Afgørelse af klagen

1) Efter undersøgelse af, hvorvidt der kan gives klageren medhold, træffer appelkammeret afgørelse om klagen. Kammeret kan enten handle inden for rammerne af den kompetence, der tilkommer det organ, som har truffet den påklagede afgørelse, eller tilbagesende sagen til videre behandling i det pågældende organ.

2) Tilbagesender appelkammeret sagen til videre behandling i det organ, som har truffet den påklagede afgørelse, er dette organ bundet af de grunde, hvorpå appelkammerets afgørelse er bygget, for så vidt sagens realiteter er de samme. Er den påklagede afgørelse truffet af indleveringskontoret, er prøvningsafdelingen ligeledes bundet af de grunde, hvorpå appelkammerets afgørelse er bygget.

Artikel 112

Det udvidede appelkammers afgørelser eller udtalelser

1) For at sikre en ensartet rets anvendelse, eller hvis der foreligger retsspørgsmål af afgørende betydning,