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**Datasheet for the decision  
of 21 December 2023**

**Case Number:** T 1272/21 - 3.5.06

**Application Number:** 06740508.4

**Publication Number:** 1875344

**IPC:** G06F21/62

**Language of the proceedings:** EN

**Title of invention:**

SYSTEM AND METHOD FOR ENHANCED PROTECTION AND CONTROL OVER THE  
USE OF IDENTITY

**Applicants:**

Dennis, Gary M.  
Dennis, Sharon D.

**Headword:**

**Relevant legal provisions:**

EPC Art. 128(4)  
EPC R. 144(d)

**Keyword:**

Exclusion from file inspection (no)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
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Case Number: T 1272/21 - 3.5.06

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.06**  
**of 21 December 2023**

**Appellant:** Dennis, Gary M.  
(Applicant 1) 795 Valleyview Road  
Indian Springs, Alabama 35124 (US)

**Appellant:** Dennis, Sharon D.  
(Applicant 2) 795 Valleyview Road  
Indian Springview Road, AL 35124 (US)

**Representative:** Gill Jennings & Every LLP  
The Broadgate Tower  
20 Primrose Street  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 9 February 2021  
refusing European patent application No.  
06740508.4 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** M. Müller  
**Members:** T. Alecu  
B. Müller

## **Summary of Facts and Submissions**

- I. A letter by the Appellants dated 7 August 2023 was received on that day. The final paragraph read:

We would be grateful if this letter would be excluded from public file inspection. Alternatively, if that is not possible, then we request that the references in this letter to European application ... be redacted.

- II. The Appellants withdrew their appeal on 14 December 2023.

## **Reasons for the Decision**

1. Further to the request for exclusion of the letter of 7 August 2023 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 letter was excluded from file inspection provisionally, pending a final decision on the request.
2. The Board holds that, the withdrawal of the appeal notwithstanding, a decision must be given on the request for exclusion from file inspection. The withdrawal of the appeal brought the proceedings to a close as regards the substantive merits of the appeal case itself but not as regards requests relating to issues not settled by the withdrawal, i.e. in the present case the request for exclusion from file

inspection. The Board therefore now proceeds to give a ruling on this request.

3. The Board notes that a request for exclusion from file inspection of documents or parts thereof is allowable

at the reasoned request of a party or his representative if their inspection would be prejudicial to the legitimate personal or economic interests of natural or legal persons

See Article 1(2)(a) of the aforementioned decision. This provision applies to documents or parts thereof other than those referred to in paragraph 1 of the President's decision and thus to the letter in hand.

4. In its communication of 10 August 2023 the Board stated that it had, for the time being, no reason to believe that the requirements of the above Article 1(2)(a) were met.

In particular, the summons to oral proceedings in the appeal case relating to European application 12818920.6 referred to therein was public, and so were the oral proceedings in that case.

If the Appellants had other reasons justifying their request, it should provide them to the Board. As the case stood, the Board did not intend to grant this request.

5. In their letter of 17 November 2023 the Appellants stated (on page 2, second full paragraph):

For the avoidance of doubt, we do not wish to submit further reasons in justification of our earlier request for exclusion from public file inspection of our letter

dated 7 August 2023 or of the references therein to European patent application 12818920.6.

Against this backdrop, the Board now implements its intention to not grant this request.

## Order

### For these reasons it is decided that:

The request to exclude the letter dated 7 August 2023 from file inspection is refused.

The Registrar:

The Chairman:



L. Stridde

Martin Müller

Decision electronically authenticated