

Date: Fri, 3 Jul 2015 23:30:48 +0200 (CEST)

From: Anette Koch <akoch@polar.xs4all.nl>

To: trib@ilo.org

Cc: Anette Koch <akoch@polar.xs4all.nl>

Subject: CONFIDENTIAL - URGENT - Rejoinder in re AT 5-3829 (digital version) - violation of my human and procedural rights - Re: Complaint No. 2 (fwd)

Parts/Attachments:

1	Shown	302 lines	Text
2	1.8 MB	Application,	"reply by EPO, allegedly of 8 May 2015"
3	59 KB	Application,	"letter of 27 May to me"
4	37 KB	Application,	"cover letter to Tribunal"
5	2.2 MB	Application,	"rejoinder: text without annexes"
6	42 KB	Application,	"Annex 1"
7	303 KB	Application,	"Annex 2"
8	105 KB	Application,	"Annex 3"
9	151 KB	Application,	"Annex 4"
10	263 KB	Application,	"Annex 5"
11	19 KB	Application,	"translation of part of Annex 5"
12	230 KB	Application,	"Annex 6"
13	815 KB	Application,	"Annex 7 with translation"
14	1.2 MB	Application,	"Annex 8 with translation"
15	935 KB	Application,	"Annex 9 with translation"
16	290 KB	Application,	"Annex 10 with translation"
17	275 KB	Application,	"Annex 11 with translation"
18	61 KB	Application,	"Annex 12"
19	33 KB	Application,	"translation of Annex 12"
20	367 KB	Application,	"Annex 13"
21	24 KB	Application,	"translation of Annex 13"
22	34 KB	Application,	"Annex 14"
23	88 KB	Application,	"Annex 15 with translation"
24	74 KB	Application,	"Annex 16"
25	46 KB	Application,	"Annex 17"
26	24 KB	Application,	"Annex 18"
27	128 KB	Application,	"Annex 19"
28	170 KB	Application,	"Annex 20"
29	784 KB	Application,	"Annex 21"
30	831 KB	Application,	"Annex 22"
31	326 KB	Application,	"Annex 23"
32	13 KB	Application,	"translation of Annex 23"
33	27 KB	Application,	"Annex 24"
34	28 KB	Application,	"Annex 25"
35	20 KB	Application,	"translation of relevant parts of Annex 26"

Due to serious pain I have to be brief:

1. Within my limited term I sent the rejoinder in this case (paper version), in reply to the EPO's reply and the Registrar's letter (both attached).
2. A problem occurred with scanning of Annex 26, yet it is attached to the official/paper version

(translation attached).

3. Again: no reply to my e-mail here below, i.e. no extension of my term for this rejoinder!

4. Receipt and information about status requested (though not provided in any(!) of my other procedures with the Tribunal after AT 5-3932).

Sincerely,

Anette Koch

Dr. Anette Koch
Rijswijk ZH
The Netherlands
akoch@polar.xs4all.nl

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Date: Fri, 12 Jun 2015 12:16:00 +0200 (CEST)

From: Anette Koch <akoch@polar.xs4all.nl>

To: "TRIB, OFFICE" <TRIB@ilo.org>

Cc: Anette Koch <akoch@polar.xs4all.nl>

Subject: CONFIDENTIAL - URGENT - AT 5-3829 - Re: Complaint No. 2 (fwd)

Concern: AT 5-3829 - Koch(2) vs. European Patent Office (EPO)

Ref.: your registered letter of 27 May 2015 with the EPO's reply in the above-mentioned case

Attn. Registry, in particular Mr. Dražen Petrović, Registrar

Dear Mr. Petrović, dear Sir or Madam,

In the absence of any reply to my requests by e-mail of 4 June here below, I hereby remind you of these urgent requests.

Sincerely yours,

Anette Koch

Dr. Anette Koch
Rijswijk ZH
The Netherlands
akoch@polar.xs4all.nl

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Date: Thu, 4 Jun 2015 11:37:47 +0200 (CEST)
From: Anette Koch <akoch@polar.xs4all.nl>
To: trib@ilo.org
Cc: Anette Koch <akoch@polar.xs4all.nl>
Subject: CONFIDENTIAL - AT 5-3829 - Re: Complaint No. 2 (fwd)

Concern: AT 5-3829 - Koch(2) vs. European Patent Office (EPO)
Ref.: your registered letter of 27 May 2015 with the EPO's reply in the above-mentioned case

Attn. Registry, in particular Mr. Dražen Petrović, Registrar

Dear Mr. Petrović, dear Sir or Madam,

Following my email of 22 May (here below), I yesterday received your registered letter by which you sent me the EPO's overdue reply to my 2nd complaint, filed on 6 May 2014. You had informed me by email of 6 October 2014 (here below) that you had invited the EPO to reply to my complaint.

Yet, despite my request for having my complaint treated with priority, the EPO did apparently not have to file their reply within 30(!) days under Article 8(1) of the Tribunal's Rules.

In their reply the EPO mentions an email by the Registrar of 19 February 2015 by which they allegedly received apparently another extension, cf. section 1 of their reply.

I respectfully request to take note of the contents of that email and all other exchanges between the Tribunal and the defendant on this case and would also consider it self-evident, in that case, that the defendant, vice versa, takes note of my exchanges with the Tribunal.

The EPO's reply is dated 8 May 2015, i.e. the EPO was allowed a disturbingly long term of at least 214(!) days in this urgent case, assuming that you had invited the EPO to reply on the same day, i.e. 6 October 2014, on which you informed me that you had done so. As I informed you here below, I consider my procedural rights as well as my right to an urgent employment medical examination violated by the delay of this case.

Due to my chronic illness, the continuous pain I currently experience, as a result of it, and the four other procedural deadlines before the end of this month (in rebus 147/13 and due to the virtually unmotivated rejection of my internal appeals 80/12, 104/12, 107/12 by the EPO), and in view of the necessary equal treatment of both parties, I respectfully request the Tribunal to grant me the same term as the EPO, i.e. 214 days from 3 June 2015 (the day on which I received the EPO's reply), though I hope to be able to send my rejoinder much earlier.

Sincerely yours,

Anette Koch

Dr. Anette Koch
Rijswijk ZH
The Netherlands
akoch@polar.xs4all.nl

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----- Forwarded message -----

Date: Fri, 22 May 2015 18:34:19 +0200 (CEST)
From: Anette Koch <akoch@polar.xs4all.nl>
To: "TRIB, OFFICE" <TRIB@ilo.org>
Cc: Anette Koch <akoch@polar.xs4all.nl>
Subject: CONFIDENTIAL - AT 5-3829 - Re: Complaint No. 2

Concern: AT 5-3829 (Koch v. EPO(2)): my appeal from the unlawful report of the medical committee, as the medical committee did not come to an unanimous or a majority opinion, as required under Article 92(2) ServRegs, as in force at the time at which the medical committee convened

Attn. Registry, in particular Mr. Dražen Petrović, Registrar, or Mr. Andrew Butler, Assistant Registrar

Dear Mr. Petrović, dear Mr. Butler, dear Sir or Madam,

In reply to your e-mail of 6 October 2014 (here below), I wish to inform you that I am not aware of even the slightest progress in this case - this despite my request to treat this complaint with the utmost priority(!), in view of my urgent employment medical request of having the medical committee's work continued and completed. I am not aware of a reply by the EPO to my complaint, nor was I ever invited to file a rejoinder.

I therefore conclude that (i) I am deprived of access to a court "within a reasonable time", Article 6 ECHR, (ii) I have no effective remedy at my disposition, Article 13 ECHR, and (iii) my fundamental rights under Article 1 of the Dutch constitution and under Article 14 ECHR have been violated, as I was not treated equally compared with other employees in the Dutch society as well as in the EPO: in particular, my right to an employment medical examination has been violated by the EPO.

Would you please inform me of the status of this complaint, and would you please inform me why the case is excessively delayed.

Sincerely yours,

Anette Koch

Dr. Anette Koch
Rijswijk ZH
The Netherlands
akoch@polar.xs4all.nl

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bericht.

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