

PETITION FOR AN INJUNCTION | District Court of The Hague (NL)

Case C/09/512962 / KG ZA 16-741

Claimants: SUEPO & VEOB

Defendant: European Patent Organization

CLAIMS (*free translation*)

The Claimants request the judge in interlocutory (summary) proceedings to render a judgment:

- i Ordering the EPO to engage an external, independent expert to test the ongoing and intended investigations by the *Investigative Unit* and ongoing and intended disciplinary procedures against Claimants' board members, against the requirements of a fair and reasonable trial, and to ensure that they do not unnecessarily impede the Claimants' union work, all this in conformity with the resolution CA/26/16 adopted by the Member States of the EPO in the Administrative Council of 16 March 2016;
- ii Ordering the EPO to cooperate with mediation by a mediator appointed by the judge in interlocutory proceedings with regard to the conflict between the EPO and the Claimants, all this in conformity with the resolution CA/26/16 adopted by the Member States of the EPO in the *Administrative Council* of 16 March 2016;
- iii Ordering the EPO, pending the process of external assessment of the investigations by the *Investigative Unit* and disciplinary procedures against Claimants' board members as referred to in (i) or pending the mediation in respect of the conflict between the EPO and the Claimants as referred to in (ii), to cease the investigations and disciplinary procedures against Claimants' board members, all this in conformity with the resolution CA/26/16 adopted by the Member States of the EPO in the Administrative Council of 16 March 2016;
- iv Ordering the EPO to ask for the permission of the *Administrative Council* before initiating a new investigation by the *Investigative Unit* and/or disciplinary procedure against one or more of Claimants' board members, and before resuming one or more of the ongoing investigations and/or disciplinary procedures against Claimants' board members;
- v Ordering the EPO to relieve Claimants' board members from their duty of confidentiality pursuant to Article 4 of Circular 342 ('Guidelines for investigations at the EPO') of 30 November 2012 in respect of the investigations and disciplinary procedures against them;
- vi Ordering the EPO to bear the costs of the current proceedings;
- vii Ordering that this judgment, insofar as possible, is provisionally enforceable.