

1 Facts and submissions

1.1 European Patent EP 1 524 321 entitled "Non-invasive detection of fetal genetic traits" was granted on the basis of European Patent application EP 03 405 742.2 filed on 16-10-2003. This patent was granted on 01-07-2009 (Bulletin 2009/27) to the Patentee, SEQUENOM INC., hereinafter identified as P.

1.2 On 01-04-2010 an opposition was filed by Fluidigm Corporation, hereinafter identified as Opponent 1 (O1).

As grounds for opposition, O1 referred to Art. 100(a) because the subject - matter of the granted patent was not novel and did not involve an inventive step (Articles 52(1), 54 and 56 EPC), Art 100(b) because the European patent failed to disclose the invention in a manner sufficiently to be carried out by the skilled person (Article 83 EPC) and on Art 100(c) as the European patent extended beyond the content of the application as filed (Art 123(2) EPC).

O1 attacked all claims and requested revocation of the patent in its entirety. Oral proceedings were additionally requested should the patent not be revoked during the written procedure.

O1 filed documents D1-D16. The Opposition Division adhered to this numbering during the proceedings.

1.3 P replied with letter of 22-11-2010 to the objections raised by O1. P requested to reject the opposition and to maintain the patent as granted. Oral proceedings were additionally requested should the patent not be revoked during the written procedure.

P filed documents D17-D22. The Opposition Division adhered to this numbering during the proceedings.

1.4 With notification of 21.01.2013, the Opposition Division summoned to oral proceedings scheduled for 06.06.2013.

1.5 With letter of 06.05.2013, P responded to the summons. At the same time P filed a new main request (MR) and auxiliary requests 1-10. Additionally, P filed documents D23 and D24 and exhibits 1 and 2.

1.6 With letter of 31.05.2013, O1 declared that he would not attend oral proceedings. O1 did not comment on the issues raised by the Opposition Division in the summons to oral proceedings.

1.7 Oral proceedings were held on 06.06.2013 in the absence of O1 (Rule 115(2) EPC). The Opposition Division came to the conclusion that the main request