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**D E C I S I O N**  
**of 3 December 2003**

**Case Number:** T 0642/03 - 3.4.1

**Application Number:** 99916421.3

**Publication Number:** 1070262

**IPC:** G01R 33/28

**Language of the proceedings:** EN

**Title of invention:**  
Pharmacological MRI (PHMRI)

**Patentee:**  
THE GENERAL HOSPITAL CORPORATION, et al

**Opponent:**  
-

**Headword:**  
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**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 65(1)

**Keyword:**  
"Missing Statement of Grounds"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0642/03 - 3.4.1

**D E C I S I O N**  
**of the Technical Board of Appeal 3.4.1**  
**of 3 December 2003**

**Appellants:**

THE GENERAL HOSPITAL CORPORATION  
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**Representative:**

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**Decision under appeal:**

**Decision of the Examining Division of the  
European Patent Office posted 24 February 2003  
refusing European application No. 99916421.3  
pursuant to Article 97(1) EPC.**

**Composition of the Board:**

**Chairman:** G. Davies  
**Members:** R. Q. Bekkering  
M. G. L. Rognoni

## **Summary of Facts and Submissions**

- I. The appeal lies from the decision of the examining division dated 24 February 2003 refusing the European patent application No. 99 916 421.3 (publication No. EP-A-1 070 262). The appellant filed a notice of appeal by a letter received on 18 April 2003 and paid the fee for appeal on the same day. No statement setting out the grounds of appeal pursuant to Article 108 EPC was filed. The notice of appeal also contains nothing that could be regarded as such.
- II. By a communication dated 18 August 2003 sent by registered letter with advice of delivery, the registry of the board informed the appellant that no statement setting out the grounds of appeal had been filed and that the appeal should be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.
- III. No answer has been given to the registry's communication within the set time limit.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed within the time limit provided by Article 108 EPC in conjunction with Rule 78(2) EPC, the appeal has to be rejected as inadmissible (Rule 65(1) EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

R. Schumacher

G. Davies