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**Datasheet for the decision
of 14 April 2008**

Case Number: T 1294/07 - 3.2.02

Application Number: 92923156.1

Publication Number: 0611288

IPC: A61B 5/113

Language of the proceedings: EN

Title of invention:
Health Monitoring

Applicant:
MAGILL, Alan Remy

Opponent:
-

Headword:
-

Relevant legal provisions:
-

Relevant legal provisions (EPC 1973):
EPC Art. 108
EPC R. 65

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1294/07 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 14 April 2008

Appellant: MAGILL, Alan Remy
1 Russell Chambers
Covent Garden
London WC2E 8AA (GB)

Representative: Sharp, Alan Cooper
Cooper Sharp & Co.
32 Spencer Street
St Albans
Herts AL3 5EG (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 29 January 2007
refusing European application No. 92923156.1
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: R. Ries
Members: S. Chowdhury
A. Pignatelli

Summary of Facts and Submissions

I. The appeal lies from the decision of the Examining Division of the European Patent Office dated 29 January 2007 refusing European patent application No. 92 923 156.1. The decision was dispatched by registered letter with advice of delivery to the Applicant.

The Appellant filed a notice of appeal by a letter received on 10 April 2007 and paid the fee for appeal on the same day.

No Statement of Ground was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC 1973.

II. By a communication dated 10 August 2007, sent by registered letter with advice of delivery, the Registry of the Board informed the Appellant that no Statement of Grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.

III. No answer has been given within the given time limit to the registrar's communication.

Reasons for the Decision

The fact that the present decision of the Board is issued after the entry into force of the new version of the EPC (13 December 2007) does not allow the application of the new Article 108 EPC and Rule 101(1) EPC because the time limits for filing the Statement of grounds of appeal has expired before this date (see also J 10/07). As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC 1973 in conjunction with Rule 65(1) EPC 1973).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

V. Commare

R. Ries