

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 30 November 2009**

Case Number: T 1184/09 - 3.4.02

Application Number: 05004884.2

Publication Number: 1553402

IPC: G01N 21/64

Language of the proceedings: EN

Title of invention:

System and method for monitoring cellular activity

Applicant:

CALIFORNIA INSTITUTE OF TECHNOLOGY

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

-

Keyword:

-

Decisions cited:

-

Catchword:

-



Case Number: T 1184/09 - 3.4.02

D E C I S I O N
of the Technical Board of Appeal 3.4.02
of 30 November 2009

Appellant: CALIFORNIA INSTITUTE OF TECHNOLOGY
1200 East California Boulevard
Mail Code 210-85
Pasadena, CA 91125 (US)

Representative: Heunemann, Dieter
Vossius & Partner
Siebertstraße 4
D-81675 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 22 December 2008
refusing European application No. 05004884.2
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. G. Klein
Members: F. Maaswinkel
B. Müller

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 22 December 2008 refusing European patent application No. 05004884.2.

The appellant filed a notice of appeal on 27 February 2009 and paid the appeal fee on the same day. The notice of appeal contains an auxiliary request for oral proceedings.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC.

II. In a communication dated 15 June 2009, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. The appellant filed no observations in response to said communication. In a letter dated 18 November 2009 the appellant withdrew the request for oral proceedings.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such a statement pursuant to Article 108 EPC and

Rule 99(2) EPC. Thus, the appeal is inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

A. G. Klein