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**Datasheet for the decision  
of 18 April 2011**

**Case Number:** T 1950/09 - 3.5.05

**Application Number:** 05809851.8

**Publication Number:** 1815374

**IPC:** G06F 19/00

**Language of the proceedings:** EN

**Title of invention:**

In-situ data collection architecture for computer-aided diagnosis

**Appellant:**

Koninklijke Philips Electronics N.V.

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1950/09 - 3.5.05

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.05  
of 18 April 2011

**Appellant:**

Koninklijke Philips Electronics N.V.  
Groenewoudseweg 1  
NL-5621 BA Eindhoven (NL)

**Representative:**

Golla-Franz, Anke Lucia  
Philips  
Intellectual Property & Standards GmbH  
Postfach 50 04 42  
D-52088 Aachen (DE)

**Decision under appeal:**

Decision of the Examining Division of the  
European Patent Office posted 26 March 2009  
refusing European patent application  
No. 05809851.8 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** A. Ritzka  
**Members:** M. Höhn  
F. Blumer

## Summary of Facts and Submissions

- I. The appellant contests the decision of the examining division of the European Patent Office posted 26 March 2009 refusing European patent application No. 05809851.8.

The appellant filed a notice of appeal on 20 May 2009 and paid the appeal fee on the same day. It was requested that the decision under appeal be set aside and that a patent be granted. Auxiliarily, oral proceedings were requested.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

- II. In a communication dated 6 October 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 of notification of the communication.
- III. The appellant filed no observations in response to said communication.
- IV. In a further communication dated 21 January 2010 the appellant was informed that since the time limit set in the communication dated 6 October 2009 had expired without a reply, the board would proceed with the

appeal on the basis of the request for oral proceedings filed with the notice of appeal, unless the appellant withdrew the request for oral proceedings.

- V. Again, the appellant did not reply to this communication. Instead the renewal fee for the sixth patent year was paid on 30 November 2010.
  
- VI. A summons to oral proceedings to be held on 18 April 2011 was issued on 4 February 2011. In an annex accompanying the summons the appellant was informed that the subject-matter of the oral proceedings would be limited to the admissibility of the appeal.
  
- VII. By letter dated 12 April 2011 the appellant informed the board that no representative of the appellant would appear at the oral proceedings.
  
- VIII. Oral proceedings were held on 18 April 2011 in the absence of the appellant. After due deliberation the board announced its decision.

### **Reasons for the Decision**

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, 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 Chair

K. Götz

A. Ritzka