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**Datasheet for the decision
of 6 September 2013**

Case Number: T 2584/12 - 3.2.02

Application Number: 05718420.2

Publication Number: 1737514

IPC: A61M 1/36, A61M 5/168

Language of the proceedings: EN

Title of invention:
Infusion device with a controller

Patent Proprietor:
Gambro Lundia AB

Opponent:
Fresenius Medical Care Deutschland GmbH

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Keyword:
"Admissibility of appeal - missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 2584/12 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 6 September 2013

Appellant: Fresenius Medical Care Deutschland GmbH
(Opponent) Else-Kröner-Strasse 1
D-61352 Bad Homburg (DE)

Representative: Laufhütte, Dieter
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Widenmayerstr. 23
D-80538 München (DE)

Respondent: Gambro Lundia AB
(Patent Proprietor) no. 16, Magistratsvagen
S-22010 Lund (SE)

Representative: Ponzellini, Gianmarco
Gambro Intellectual Property Dept.
P.O. Box 98
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
31 October 2012 concerning maintenance of
European patent No. 1737514 in amended form.

Composition of the Board:

Chairman: E. Dufrasne
Members: C. Körber
P. L. P. Weber

Summary of Facts and Submissions

- I. The appellant (opponent) contests the interlocutory decision of the Opposition Division posted on 31 October 2012 concerning maintenance of the European Patent No. 1 737 514 in amended form.
- II. The notice of appeal was received on 12 December 2012 and the appeal fee was paid on the same day. No statement of grounds of appeal has been filed.
- III. By a communication dated 25 March 2013 sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no statement of grounds of appeal had been filed and that, as a consequence, it was to be expected that the appeal would be rejected as inadmissible. The appellant was also given a time limit of two months for filing observations.
- IV. No answer has been given to this communication.

Reasons for the Decision

According to Article 108 EPC, a statement setting out the grounds of appeal shall be filed within four months of notification of the decision.

If the appeal does not comply with Article 108 EPC, the appeal must be rejected as inadmissible (Rule 101(1) EPC).

In the present case, no written statement setting out the grounds of appeal has been filed and the notice of appeal contains nothing that could be regarded as such.

Consequently the appeal has to be rejected as inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Hampe

E. Dufrasne