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**Datasheet for the decision
of 10 September 2015**

Case Number: T 1040/15 - 3.4.02

Application Number: 09169537.9

Publication Number: 2163939

IPC: G02C7/04, A61B3/10, A61F9/00

Language of the proceedings: EN

Title of invention:
Control of myopia using contact lenses

Applicant:
QUEENSLAND UNIVERSITY OF TECHNOLOGY

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

Keyword:
Missing statement of grounds



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Case Number: T 1040/15 - 3.4.02

D E C I S I O N
of Technical Board of Appeal 3.4.02
of 10 September 2015

Appellant:
(Applicant)

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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted on 1 December 2014
refusing European patent application No.
09169537.9 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman B. Müller
Members: F. J. Narganes-Quijano
F. Maaswinkel

Summary of Facts and Submissions

I. The appeal is directed against the decision of the Examining Division posted on 1 December 2014 refusing European patent application No. 09169537.9.

II. The appellant (applicant) filed a notice of appeal on 2 February 2015 and paid the appeal fee on the same day.

No statement setting out the grounds of appeal was filed within the time limit prescribed by Article 108 EPC.

III. By communication of 28 May 2015, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.

IV. No reply has been received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC.

Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



M. Kiehl

B. Müller

Decision electronically authenticated