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**Datasheet for the decision
of 11 July 2018**

Case Number: T 0260/18 - 3.2.02

Application Number: 13189419.8

Publication Number: 2687243

IPC: A61M1/00, F04B33/00, F04B37/10,
F04B49/08

Language of the proceedings: EN

Title of invention:

Manually-actuated reduced pressure pump having regulated pressure capabilities

Patent Proprietor:

KCI Licensing, Inc.

Opponent:

Smith and Nephew, Inc.

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



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Case Number: T 0260/18 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 11 July 2018

Appellant: Smith and Nephew, Inc.
(Opponent) 1450 Brooks Road
Memphis, TN 38116 (US)

Representative: HGF Limited
1 City Walk
Leeds LS11 9DX (GB)

Respondent: KCI Licensing, Inc.
(Patent Proprietor) P.O. Box 659508
San Antonio, TX 78265 (US)

Representative: Cordina, Kevin John
Simmons & Simmons LLP
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One Ropemaker Street
London EC2Y 9SS (GB)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
10 November 2017 concerning maintenance of the
European Patent No. 2687243 in amended form.**

Composition of the Board:

Chairman E. Dufrasne
Members: P. L. P. Weber
M. Stern

Summary of Facts and Submissions

- I. The appeal of the opponent is directed against the interlocutory decision of the Opposition Division posted on 10 November 2017 concerning maintenance of the European Patent No. 2 687 243 in amended form.
- II. The appellant filed a notice of appeal on 8 January 2018 and paid the appeal fee on the same day.
- III. By communication of 10 April 2018, 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 was 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 setting out the grounds of appeal 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:



D. Hampe

E. Dufrasne

Decision electronically authenticated