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**Datasheet for the decision  
of 14 February 2020**

**Case Number:** T 2931/19 - 3.2.02

**Application Number:** 13812262.7

**Publication Number:** 3079577

**IPC:** A61B5/0488, A61B5/0492,  
A61M16/04, A61N1/05, A61B5/00,  
A61M16/08, A61M39/08

**Language of the proceedings:** EN

**Title of invention:**  
ENDOBRONCHIAL TUBE APPARATUS

**Applicant:**  
Medtronic Xomed, Inc.

**Headword:**

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 99(2), 101(1), 126(2)

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

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 2931/19 - 3.2.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.02**  
**of 14 February 2020**

**Appellant:** Medtronic Xomed, Inc.  
(Applicant) 6743 Southpoint Drive North  
Jacksonville, FL 32216 (US)

**Representative:** Dehns  
St. Bride's House  
10 Salisbury Square  
London EC4Y 8JD (GB)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 14 May 2019  
refusing European patent application No.  
13812262.7 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** M. Alvazzi Delfrate  
**Members:** M. Stern  
N. Obrovski

## **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Examining Division of 11 April 2019, posted on 14 May 2019.
- II. The appellant filed a notice of appeal on 24 July 2019 and paid the appeal fee on the same day.
- III. By communication of 8 November 2019, 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 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:



D. Hampe

M. Alvazzi Delfrate

Decision electronically authenticated