Datasheet for the decision of 20 December 2022

Case Number: T 1784/22 - 3.2.02
Application Number: 02775909.1
Publication Number: 1328199
IPC: A61B17/122, A61B17/128
Language of the proceedings: EN

Title of invention: THROUGH THE SCOPE ENDOSCOPIC HEMOSTATIC CLIPPING DEVICE

Patent Proprietor:
Boston Scientific Medical Device Limited

Opponents:
M T W-Endoskopie W. Haag KG
Cook Medical Technologies LLC

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:
Decision of Technical Board of Appeal 3.2.02 of 20 December 2022

Appellant: Cook Medical Technologies LLC  
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(Opponent 2)

Representative: Warren, Caroline Elisabeth  
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Respondent: Boston Scientific Medical Device Limited  
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(Patent Proprietor)

Representative: Vossius & Partner  
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Party as of right: M T W-Endoskopie W. Haag KG  
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(Opponent 1)

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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted on 10 May 2022 rejecting the oppositions filed against European patent No. 1328199 pursuant to Article 101(2) EPC
Composition of the Board:

Chairman: M. Alvazzi Delfrate
Members: D. Ceccarelli
         Y. Podbielski
Summary of Facts and Submissions

I. Opponent 2 has appealed against the decision of the opposition division, posted on 10 May 2022 to reject the oppositions against the European patent.

II. The appellant filed a notice of appeal on 20 July 2022 and paid the appeal fee on the same day.

By communication of 4 October 2022, 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 EPC, third sentence 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.

III. No reply was received.

Reasons for the Decision

No written statement of 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:

A. Chavinier-Tomsic  

M. Alvazzi Delfrate

Decision electronically authenticated