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**Datasheet for the decision
of 15 March 2024**

Case Number: T 1971/23 - 3.5.05

Application Number: 19173855.8

Publication Number: 3561816

IPC: G16H50/50

Language of the proceedings: EN

Title of invention:

Methods and apparatus for evaluating glucose levels around an event

Applicant:

Roche Diabetes Care GmbH
F. Hoffmann-La Roche AG

Headword:

No statement of grounds of appeal/ROCHE

Relevant legal provisions:

EPC Art. 108
EPC R. 99(2), 101(1), 126(2)

Keyword:

Admissibility of appeal - (no): missing statement of grounds



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 1971/23 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 15 March 2024

Appellant: Roche Diabetes Care GmbH
(Applicant 1) Sandhofer Straße 116
68305 Mannheim (DE)

Appellant: F. Hoffmann-La Roche AG
(Applicant 2) Grenzacherstrasse 124
4070 Basel (CH)

Representative: Meinel, Anne Julia
Roche Diabetes Care GmbH
Sandhofer Straße 116
68305 Mannheim (DE)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 26 June 2023
refusing European patent application
No. 19173855.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: E. Konak
F. Bostedt

Summary of Facts and Submissions

- I. The appeal was lodged against the decision of the examining division to refuse the present European patent application.
- II. The appellant filed a notice of appeal on 6 September 2023 and paid the appeal fee on that day. No statement setting out the grounds of appeal was received within the time limit provided by Article 108, third sentence, EPC.
- III. By communication of 15 December 2023, electronically notified via the EPO Mailbox, the Registry of the Board informed the appellant that it appeared from the file that the statement setting out the 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

1. The appeal is not admissible. It does not comply with the requirements set out in Article 108 EPC.
2. No 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.

3. 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 Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated