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**Datasheet for the decision  
of 31 January 2025**

**Case Number:** T 1974/23 - 3.5.05

**Application Number:** 16179726.1

**Publication Number:** 3270608

**IPC:** H04R25/00

**Language of the proceedings:** EN

**Title of invention:**

Hearing device with adaptive processing and related method

**Patent Proprietor:**

GN Hearing A/S

**Opponent:**

Oticon A/S

**Headword:**

No statement of grounds of appeal/GN HEARING

**Relevant legal provisions:**

EPC Art. 108

EPC R. 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  
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Case Number: T 1974/23 - 3.5.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.05**  
**of 31 January 2025**

**Appellant:** GN Hearing A/S  
(Patent Proprietor) Lautrupbjerg 7  
2750 Ballerup (DK)

**Representative:** GN Store Nord A/S  
Lautrupbjerg 7  
2750 Ballerup (DK)

**Respondent:** Oticon A/S  
(Opponent) Kongebakken 9  
2765 Smørum (DK)

**Representative:** Cohausz & Florack  
Patent- & Rechtsanwälte  
Partnerschaftsgesellschaft mbB  
Bleichstraße 14  
40211 Düsseldorf (DE)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 23 October 2023  
revoking European patent No. 3270608 pursuant to  
Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** K. Peirs  
F. Bostedt

## **Summary of Facts and Submissions**

- I. The appeal of the proprietor (appellant) was lodged against the decision of the opposition division to revoke the patent.
- II. The appellant filed a notice of appeal on 11 December 2023 and paid the appeal fee on that day. The appellant requested oral proceedings. 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 29 November 2024, 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 also informed that any observations had to be filed within two months of notification of the communication.
- IV. On 30 January 2025, the appellant withdrew its request for oral proceedings.

## **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. Hence, 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