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**Datasheet for the decision
of 7 February 2025**

Case Number: T 0999/24 - 3.2.02

Application Number: 20190682.3

Publication Number: 3782539

IPC: A61B5/00, A61B5/145

Language of the proceedings: EN

Title of invention:

SYSTEMS FOR PROVIDING SENSITIVE AND SPECIFIC ALARMS

Patent Proprietor:

Dexcom, Inc.

Opponents:

Abbott Diabetes Care Inc.
Roche Diabetes Care GmbH
Abbott GmbH

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

Boards of Appeal of the
European Patent Office
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Case Number: T 0999/24 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 7 February 2025

Appellant: Dexcom, Inc.
(Patent Proprietor) 6340 Sequence Drive
San Diego, CA 92121 (US)

Representative: Hoffmann Eitle
Patent- und Rechtsanwälte PartmbB
Arabellastraße 30
81925 München (DE)

Respondent: Abbott Diabetes Care Inc.
(Former Opponent 1) 1360 South Loop Road
Alameda, CA 94502 (US)

Respondent: Roche Diabetes Care GmbH
(Opponent 2) Sandhofer Strasse 116
68305 Mannheim (DE)

Representative: Grünecker Patent- und Rechtsanwälte
PartG mbB
Leopoldstraße 4
80802 München (DE)

Respondent: Abbott GmbH
(Former Opponent 3) Max-Planck-Ring 2
65205 Wiesbaden (DE)

Representative: Boulton Wade Tennant LLP
Salisbury Square House
8 Salisbury Square
London EC4Y 8AP (GB)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 10 June 2024**

revoking European patent No. 3782539 pursuant to
Article 101(3) (b) EPC.

Composition of the Board:

Chairman	M. Alvazzi Delfrate
Members:	S. Böttcher
	Y. Podbielski

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the opposition division posted on 10 June 2024.
- II. The appellant filed a notice of appeal on 26 July 2024 and paid the appeal fee on the same day.
- III. By communication of 31 October 2024, 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.
- IV. No reply was received.

Reasons for the Decision

1. 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.
2. 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