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Datasheet for the decision of 4 June 2026

Case Number: T 1059/24 - 3.2.02

Application Number: 19762209.5

Publication Number: 3833420

IPC: A61M21/00, A61B5/00, G06F3/01

Language of the proceedings: EN

Title of invention:
THE DEVICE OF DEVELOPMENT OF CONCENTRATIONS OF ETERNAL LIFE PRK-1U IS OF THREE-MODES

Applicant:
Grabovoi, Grigorii Petrovich

Headword:

Relevant legal provisions:
EPC Art. 83
RPBA 2020 Art. 13(2)

Keyword:
Sufficiency of disclosure - (no)
Amendment after summons - exceptional circumstances (no)
- taken into account (no)

Decisions cited:

Catchword:

Europäisches Patentamt
European Patent Office
Office européen des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1059/24 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 4 June 2026

Appellant: (Applicant)	Grabovoi, Grigorii Petrovich Ulica Kneza Mihaila 21A, lok.113 Belgrad, 11102 (RS)
Representative:	Fenix Legal KB Brahegatan 44 114 37 Stockholm (SE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted/electronically transmitted on 4 April 2024 refusing European patent application No. 19762209.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	M. Alvazzi Delfrate
Members:	D. Ceccarelli
	C. Heath

Summary of Facts and Submissions

I. The applicant appealed against the examining division's decision to refuse European patent application No. 19 762 209.5. The application was refused for lack of compliance with Article 83 EPC (sufficiency of disclosure).

II. The board summoned the appellant to oral proceedings and sent a communication pursuant to Article 15(1) RPBA giving a preliminary opinion. The Board stated that it provisionally shared the examining division's view on lack of sufficiency of disclosure.

III. By letter dated 5 March 2026, the appellant withdrew his request for oral proceedings. The Board then cancelled the oral proceedings.

IV. The appellant requested that the decision under appeal be set aside and a patent be granted on the basis of a main request comprising claims 1 to 17 filed on 12 March 2024 or an auxiliary request comprising claims 1 to 13 filed on 5 March 2026.

V. **Claim 1 of the main request** reads as follows:

"A three-mode device (100) for development of concentration, the device (100) comprising:

an optical sensing unit (210), the optical sensing unit comprising a plurality of sensitive elements(505), wherein the plurality of sensitive elements (505) are configured to:

sense an electromagnetic signal provided by a user in

one or more of a plurality of operation modes, the electromagnetic signal being directed to one or more lenses associated with the optical sensing unit (210), the electromagnetic signal being thoughts generated by the user by concentrating and is associated with a plurality of electromagnetic fields; and

based on the electromagnetic signal, impose the plurality of electromagnetic fields of the electromagnetic signal onto each other to obtain an outgoing signal;

an optical emitting unit (220) configured to emit the outgoing signal;

the three-mode device is characterized by comprising two switches (240) for switching between the plurality of operation modes; and a lighting unit (250, 510) configured to indicate each of the plurality of operation modes by emitting a predetermined light signal."

Claim 1 of the auxiliary request reads as follows:

"A device (100) comprising:

an optical sensing unit (210), the optical sensing unit comprising a plurality of photodetectors (505), wherein the plurality of photodetectors (505) are configured to:

receive electromagnetic radiation through the one or more lenses in one or more of operation modes and generate detector signals corresponding to the received electromagnetic radiation;

a signal processing unit configured to combine the detector signals to generate an outgoing signal;

an optical emitting unit (220) configured to emit the outgoing signal as electromagnetic radiation;

two switches (240) configured to select between the plurality of operation modes; and

a lighting unit (250, 510) configured to indicate the selected operation mode by emitting a predetermined light signal."

VI. The appellant's arguments of relevance to the decision may be summarised as follows.

The application mentioned theories which proved that it was possible to detect a person's thoughts by extracting a brain activity signal from a generic environmental optical signal. According to the theory of wave synthesis, it was known that sensing elements in the form of multiple spherical lenses or crystals sense the signal provided by the person and associated with electromagnetic fields.

The applicant had provided material which proved the theory of wave synthesis, including mathematical equations, applications for receipt of grants, charitable contributions, loans for industrial production of devices protected by two patents, witness statements and publications of scientific articles.

Moreover, the claimed device had received protection in several countries in the form of patents and industrial designs. Denying patent protection at the EPO would create an unprecedented legal conflict with the

international patent community.

The auxiliary request should be accepted, as it limited the claims exclusively to technical features.

Reasons for the Decision

1. Subject-matter of the application

The application is concerned with a three-mode device and a method of using it for development of concentration. The device has an optical sensing unit, an optical emitting unit, two switches and a lighting unit.

According to claim 1 of the main request, the optical sensing unit comprises a plurality of sensitive elements configured to sense an electromagnetic signal in the form of thoughts generated by a user by concentrating and associated with a plurality of electromagnetic fields. The electromagnetic signal is directed to one or more lenses and provided in one or more of a plurality of operation modes.

The plurality of sensitive elements are further configured to impose the plurality of electromagnetic fields of the electromagnetic signal onto each other to obtain an outgoing signal, based on the electromagnetic signal.

The optical emitting unit is configured to emit the outgoing signal.

Two switches are configured for switching between the plurality of operation modes and the lighting unit is

configured to indicate each of the plurality of operation modes by emitting a predetermined light signal.

2. Main request - sufficiency of disclosure

2.1 The examining division decided to refuse the patent application for insufficient disclosure. As was also stated in the preliminary opinion, the board shares the examining division's view on the matter.

2.2 The device according to claim 1 of the main request is defined as suitable for "development of concentration". However, the description does not explain how concentration can be objectively developed or even measured.

2.3 According to claim 1, a plurality of sensitive elements of an optical sensing unit are capable of sensing thoughts. However, it is not demonstrated that a user can irradiate an optical beam representing thoughts or even that an optical beam can represent a user's thoughts at all. The theories of "wave synthesis" and "unified reality" mentioned in the application are not universally recognised and the application does not prove them. Contrary to the appellant's arguments, physical and mathematical equations, the subjective impressions of some witnesses and even the presence of some scientific articles and patents alone, instead of experimental evidence in the form of one or more scientific studies, cannot provide such proof.

As regards the appellant's reference to patents and industrial designs registered in some countries, the Board notes that patent rights are territorial and the EPO must apply the provisions of the EPC. With respect

to US patent US 12,144,599 B2, the board additionally notes that its claims are different from the claims of the main request of the current application.

2.4 Claim 1 also defines an optical emitting unit for emitting an outgoing signal. Apparently, this signal is responsible for developing the user's concentration. Since the description does not explain how concentration can be objectively measured and developed, it cannot explain how this optical signal can enhance concentration

2.5 For these reasons, the application does not disclose the invention as defined in claim 1 of the main request in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

Hence, the main request does not meet the requirements of Article 83 EPC and cannot be allowed.

3. Auxiliary request - admittance

The auxiliary request was filed after the communication under Article 15(1) RPBA.

In accordance with Article 13(2) RPBA, and as pointed out to the appellant in the communication under Article 15(1) RPBA, any amendment to a party's appeal case made after notification of a communication under Article 15(1) RPBA must, in principle, not be taken into account unless there are exceptional circumstances, which have been justified with cogent reasons by the party concerned.

The appellant neither pointed to exceptional circumstances nor provided any cogent reasons which

might justify admittance of the auxiliary request. In fact, the appellant stated merely that the claims were limited to technical features. The Board itself cannot identify any exceptional circumstances either, as sufficiency of disclosure has been the issue at stake since the beginning of the appeal proceedings.

Under such circumstances, the Board has decided not to admit the auxiliary request into the appeal proceedings pursuant to Article 13(2) RPBA.

4. It follows that there is no basis on which a patent can be granted.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar: The Chairman:

G. Magouliotis M. Alvazzi Delfrate

Decision electronically authenticated