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**Datasheet for the decision
of 5 March 2026**

Case Number: T 1398/25 - 3.5.05

Application Number: 18749582.5

Publication Number: 3610482

IPC: G16H40/63, A61B5/04,
A61B5/0452, G16H50/30,
G16H50/20, A61B5/00

Language of the proceedings: EN

Title of invention:

Heart condition determination method and system

Applicants:

Peacs B.V.
Peacs Investments B.V.

Headword:

Determination of heart conditions/PEACS

Relevant legal provisions:

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

Keyword:

Admissibility of appeal - (no): statement of grounds of appeal
does not address all grounds for refusal

Decisions cited:

T 0899/13, T 0320/24



Beschwerdekammern

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Case Number: T 1398/25 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 5 March 2026

Appellant I:
(Applicant 1)

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Appellant II:
(Applicant 2)

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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted on 4 August 2025
refusing European patent application
No. 18749582.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair

K. Bengi-Akyürek

Members:

K. Schenkel

J. Hoppe

Summary of Facts and Submissions

I. The appeal is against the decision of the examining division according to the state of the file to refuse the present European patent application for lack of clarity (Article 84 EPC) and lack of inventive step (Article 56 EPC) of the sole claim request then on file.

II. With their statement setting out the grounds of appeal, the appellants requested that the appealed decision be set aside and that a patent be granted on the basis of a **main request** or one of **auxiliary requests 1 to 5**.

The main request corresponds essentially to the main request underlying the appealed decision. Auxiliary requests 1 to 5 have been filed for the first time with the statement of grounds of appeal.

III. In a communication under Article 15(1) RPBA, the board expressed its preliminary view that the appeal was not admissible under Article 108, third sentence, EPC and Rule 99(2) EPC because the statement of grounds of appeal did not deal with all grounds for refusal as indicated in the impugned decision.

As to the substance, the board expressed its view that all claim requests filed with the statement of grounds of appeal did not comply with Article 84 EPC.

IV. Oral proceedings were held before the board on 5 March 2026.

The appellants confirmed their initial requests.

At the end of the oral proceedings, the board's decision was announced.

V. Claim 1 of the **main request** reads as follows (board's labelling):

- (a) "Method to provide a mean temporal spatial isochrone (TSI) path relating to an ECG feature of interest, such as the activation of a heart from a single point, relative to the heart in a torso while using an ECG measurement from an ECG recording device, the method comprising steps of:
 - (b) - receiving ECG measuring data from the ECG recording device (6),
 - (c) - determining vector cardiogram (VCG) data,
 - (d) - receiving a model of the heart, preferably with torso, as an input, preferably based on a request comprising request parameters,
 - (e) - obtaining the location information relating to a number of ECG electrodes (6') relative to the torso model and or heart model of the subject,
 - (f) - based on the location information in the torso model and/or heart model, positioning of the number of ECG electrodes (6'), characterized by:
 - (g) - determining mean TSI data values representing the TSI path relating to an electrophysiological phase representing the ECG feature, the mean TSI providing a location within the heart representing the mean location of the ECG feature at the corresponding time,
 - (h) - positioning the mean TSI path (12) and preferably the vector cardiogram data points in the model of the heart and/or torso at an initial position,
 - (i) - rendering the model of the heart, preferably with torso, with the mean TSI path, preferably with VCG data related to the TSI, for displaying on a

display screen for interpretation of the displayed rendering."

VI. Claim 1 of **auxiliary request 1** differs from claim 1 of the main request in that, at the end, the following wording has been added (board's labelling):

(j) "the mean TSI rendering providing the effect of this way of correcting the VCG signal with the estimated mean TSI signal is that small signals are shown as a relative large change in signal".

VII. Claim 1 of **auxiliary request 2** differs from claim 1 of the main request in that, between features (g) and (h), the following wording has been inserted (board's labelling):

(k) "- in which the mean TSI is determined while applying following formula:
- $mean\ TSI(x, y, z: t+1) = mean\ TSI(x, y, z: t) + v \cdot VCG(x, y, z: t)$
- in which t represents a time point of a number of time points, such as per millisecond,
- VCG represents a VCG data point of the ECG data,".

VIII. Claim 1 of **auxiliary request 3** differs from claim 1 of auxiliary request 2 in that, in feature (k), the following wording has been added at the end:

"- v is velocity of the ECG feature or the electrophysiological phase activity wherein the velocity pertains to a propagation velocity from a propagation activation in the heart".

IX. Claim 1 of **auxiliary request 4** differs from claim 1 of auxiliary request 2 in that, at the end, the wording of feature (j) of auxiliary request 1 has been added.

- X. Claim 1 of **auxiliary request 5** differs from claim 1 of auxiliary request 3 in that, at the end, the wording of feature (j) of auxiliary request 1 has been added.

Reasons for the Decision

1. Admissibility of the appeal (Article 108 EPC and Rule 99(2) EPC)
 - 1.1 Article 108, third sentence, EPC requires that a statement setting out the grounds of appeal shall be filed in accordance with the Implementing Regulations. Rule 99(2) EPC specifies that, in the statement of grounds of appeal, "the appellant shall indicate the reasons for setting aside the contested decision, or the extent to which it is to be amended, and the facts and evidence on which the appeal is based".
 - 1.2 In view of this, the statement of grounds of appeal must set out the appellant's arguments clearly and precisely such that the Board of Appeal can ascertain without further investigation why the contested decision is allegedly wrong and on what facts and arguments this allegation is based upon (see e.g. Case Law of the Boards of Appeal, 11th edition, V.A.2.6.3 a), d) and g)). Therefore, for an appeal to be considered admissible, the statement of grounds of appeal has to deal with all the reasons set out in the impugned decisions that were decisive for the outcome of the case. Hence, if several independent reasons for the decision to refuse a patent application are given in the impugned decision, all of them need to be addressed in the statement of grounds of appeal. Otherwise, it may not be comprehensible why the Board should set the contested decision aside, since, even if

it concurred with the appellant as to all the reasons for refusal addressed in the statement of grounds or appeal, the remaining uncontested reasons would still support the appealed decision (see e.g. **T 899/13**, Reasons 2.1, last paragraph and the decisions cited therein; **T 320/24**, Reasons 2.4 and 2.5). Hence, the requirement of Rule 99(2) EPC, which calls for reasons why the decision should be set aside, is not fulfilled.

1.3 In the present case, the examining division found that the present application did not comply with Article 84 EPC (cf. appealed decision, Reasons 2), nor with Article 56 EPC (appealed decision, Reasons 3). It provided a detailed reasoning in a comprehensible manner why several features in claims 1 and 10 that formed the basis for the examining proceedings contravened Article 84 EPC. The examining division also explained that it was not sufficient that explanations of unclear expressions could be found in the present description and explicitly stated that, therefore, the claims as such needed to be amended (appealed decision, Reasons 2.2 and 2.3). The examining division has also addressed expressly the appellants' arguments in this respect.

1.4 Despite this, the appellants presented in their statement of grounds of appeal arguments relating only to the compliance with Article 56 EPC but did not submit any arguments as regards the reasoning set out in the impugned decision relating to lack of clarity under Article 84 EPC. The mere assertion that "*the independent claims provide a clear technical contribution over the prior art*" provided on page 2 of the statement of grounds of appeal cannot explain *why* the detailed findings of the examining division as regards Article 84 EPC would be incorrect. Thus, the

clarity objections as set out in Reasons 2.1 and 2.2 of the impugned decision have not been addressed, neither explicitly nor implicitly. In particular, the appellants have not referred to Article 84 EPC, nor did they repeat or refer to their previous arguments as submitted in the examination proceedings as regards compliance with Article 84 EPC. Rather, in their statement of grounds of appeal, the appellants merely indicated what the invention as set out in the original description actually was with respect to inventiveness, without however addressing the specific objections raised in the appealed decision in Reasons 2.1 and 2.2. Moreover, it is not discernible, nor has it been argued by the appellants that the new claim requests filed with the statement of grounds of appeal were apt to overcome all the respective objections pursuant to Article 84 EPC as set out in the impugned decision.

- 1.5 Furthermore, the board holds that, contrary to the appellants' arguments, explaining the invention as set out in the description of the application as filed cannot be understood to address the specific arguments made in the impugned decision with respect to a lack of clarity of the claims. First of all, the appellants did not explicitly rely on such reasoning in their statement of grounds of appeal. Moreover, such an argument is also not implicitly provided because explaining the invention based on the content of the *description* is apparently not apt to provide a reasoning as to why the *claims* allegedly comply with Article 84 EPC, contrary to the specific arguments as provided in the impugned decision. This is also what was set out in Reasons 2.3 of the appealed decision and was not contested by the appellants in their statement of grounds of appeal.

- 1.6 To give some specific examples, with respect to claim 1, the impugned decision indicates in Reasons 2.1, *inter alia*, the following objections:
- "An *ECG feature* can be a certain part of a *ECG wave form*, e.g. the *QRS complex*", and "[i]t is not clear what the *mean location* of the *QRS complex* [...] should be" (see **features (a) and (g)**).
 - "The model of the heart is claimed with the *torso* being optional". "However, later in claim 1 it is referenced to the *torso model*" (see **features (d) and (f)**). "Therefore, it is unclear whether the torso is optional or not".
 - "[T]he *location information relating to a number of ECG electrodes* was already obtained in the previous step and also the *ECG measuring data* was received before" (see **features (b) and (e)**). "Therefore, the electrodes are considered to be already positioned. Further, it is not clear on what the electrodes are positioned" (see **feature (f)**).
- 1.7 In addition, the objection with respect to dependent **claim 10** (see Reasons 2.2 of the impugned decision) is nowhere addressed in the statement of grounds of appeal, either. Claim 10 or the feature relating to the "*velocity of the ECG*" is not even mentioned there, although the examining division argued that this feature or the term "*electrophysiological phase activity*" was unclear and explicitly stated that "*the wording of the claim*" had to be clarified.
- 1.8 Hence, none of the aforementioned objections was addressed by the statement of grounds of appeal -

either by means of arguments or amendments of the claims.

1.9 Moreover, the objections as to lack of clarity raised in the impugned decision also apply to the claims of the present **auxiliary requests** filed for the first time with the statement of grounds of appeal. Also as to these auxiliary requests, it was neither explicitly argued by the appellants, nor is it discernible why they should be apt to overcome the objections under Article 84 EPC raised in the appealed decision for the former main request. Instead, the appellants only explained the amendments but without any reasoning as to the clarity objections raised in the decision under appeal.

1.10 In sum, the board cannot immediately see, without conducting its own investigations, why the decision under appeal should be incorrect. Thus, the reasoning set out in the appellants' statement of grounds of appeal is insufficient.

2. In view of the above, the present appeal does not comply with Article 108, third sentence and Rule 99(2) EPC. Pursuant to Rule 101(1) EPC, the appeal is thus to be rejected as inadmissible.

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