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D E C I S I O N
of 18 April 1994

Case Number: T 0164/93 - 3.4.1

Application Number: 85400601.2

Publication Number: 0161140

IPC: A61N 1/365

Language of the proceedings: EN

Title of invention:

Rate scanning demand pacemaker and method for treatment of tachycardia

Patentee:

Medtronic, Inc.

Opponent:

Biotronik Mess- und Therapiegeräte GmbH & Co Ingenieurbüro
Berlin

Headword:

-

Relevant legal norms:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Appeal inadmissible - missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



Europäisches
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Boards of Appeal

Chambres de recours

Case Number: T 0164/93 - 3.4.1

D E C I S I O N
of the Technical Board of Appeal 3.4.1
of 18 April 1994

Appellant:
(Opponent)

Biotronik
Mess- und Therapiegeräte GmbH & Co
Ingenieurbüro Berlin
Woermannkehre 1
D - 12359 Berlin (DE)

Representative:

Christiansen, Henning, Dipl.-Ing.
Patenanwlt Christiansen
Pacelliallee 43/45
D - 14195 Berlin (DE)

Respondent:
(Proprietor of the patent)

Medtronic, Inc.
3055 Old Highway Eight
Minneapolis
Minnesota 55440 (US)

Representative:

Moncheny, Michel
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2 Place d'Estienne d'Orves
F - 75441 Paris Cedex 09 (FR)

Decision under appeal:

Decision of the Opposition Division of the
European Patent Office dated 11 December 1992
rejecting the opposition filed against European
patent No. 0 161 140 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: G.D. Paterson
Members: R.K. Shukla
U.G.O. Himmler

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 11 December 1992, rejecting the opposition filed by the Appellant against the European patent No. 0 161 140. The decision was dispatched by registered letter with receipt notification to the Appellant on the day it was given.

The Appellant (Opponent) filed a notice of appeal by a letter received on 11 February 1993 and paid the fee for appeal on the same day.

No Statement of Grounds was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

II. By a communication dated 17 January 1994, sent by registered letter with advice of delivery, the Registry of the Board informed the Appellant that no Statement of Grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.

III. No answer has been given within the given time limit to the Registry's communication.

Reasons for the Decision

As no written Statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

G. Paterson