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D E C I S I O N
of 29 April 1994

Case Number: T 0534/93 - 3.2.2

Application Number: 86400258.9

Publication Number: 0190979

IPC: A61B 8/06

Language of the proceedings: EN

Title of invention:
Blood flow measuring apparatus

Applicant:
Fujitsu Limited

Opponent:
-

Headword:
-

Relevant legal norms:
EPC Art. 65(1)

Keyword:
"Notice of appeal has been filed too late"
"No written statement"

Decisions cited:
-

Catchword:
-



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Boards of Appeal

Chambres de recours

Case Number: T 0534/93 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 29 April 1994

Appellant: Fujitsu Limited
1015, Kamikodanaka
Nakahara-ku
Kawasaki-shi
Kanagawa 211 (JP)

Representative: Descourtieux, Philippe
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F-75340 Paris Cédex 07 (FR)

Decision under appeal: Decision of the Examining Division of the
European Patent Office dated 15 December 1992
refusing European patent application
No. 86 400 258.9 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: H. Seidenschwarz
Members: J.H. van Moer
M. Noël

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 15 December 1992 refusing the European patent application No. 86 400 258.9. The decision was dispatched by registered letter with advice of delivery on 15 December 1992. The applicant filed a notice of appeal by letter received on 1 March 1993, and paid the fee for appeal on 25 February 1993. 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 21 July 1993 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds had 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. The Appellant filed no observations in response to said communication.

Reasons for the Decision

As the notice of appeal has been filed too late and 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:



S. Fabiani

The Chairman:



H. Seidenschwarz

R. Wolf

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