Datasheet for the decision of 27 October 2009

Case Number: T 0354/09 - 3.2.02
Application Number: 01966137.0
Publication Number: 1311195
IPC: A61B 17/22
Language of the proceedings: EN

Title of invention:
Systems for applying ultrasonic energy to the thoracic cavity and other targeted body regions

Applicant:
Timi 3 Systems, Inc.

Headword: -

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973): -

Keyword:
"Missing statement of grounds"

Decisions cited: -

Catchword: -
Case Number: T 0354/09 - 3.2.02

DECISION
of the Technical Board of Appeal 3.2.02
of 27 October 2009

Appellant: Timi 3 Systems, Inc.
3032 Coronado Drive
Santa Clara
CA 95054 (US)

Representative: Dee, Ian Mark
Potter Clarkson LLP
Park View House
58 The Ropewalk
Nottingham NG1 5DD (GB)


Composition of the Board:

Chairman: M. Noël
Members: D. Valle
A. Pignatelli
Summary of Facts and Submissions

I. The appellant appealed against the decision of the Examining Division dated 21 November 2008 to refuse the European patent application No. 01966137 in amended form.

II. The notice of appeal was received on 20 January 2009 and the appeal fee was paid on the same day. However, no statement of grounds of appeal has been filed within the time limit for doing so, nor did the notice of appeal contain anything that might be considered as such statement.

III. In a communication dated 15 May 2009 sent by registered post with advice of delivery, the Board informed the appellant that no statement of grounds of appeal had been filed and that, as a consequence, it was to be expected that the appeal would be rejected as inadmissible. The appellant was also given a time limit of two months for filing observations starting from the date of notification of said communication.

IV. The communication was notified on 22 May 2009. No observations were filed within the given time limit.

Reasons for the Decision

1. According to Article 108 EPC, a statement setting out the grounds of appeal shall be filed within four months of notification of the decision.
2. If the appeal does not comply with Article 108 EPC, the appeal must be rejected as inadmissible (Rule 101(1) EPC). In the present case, no statement of grounds has been filed and consequently the appeal is rejected as inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

D. Sauter

M. Noël