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**D E C I S I O N**  
**of 3 November 2003**

**Case Number:** T 0689/03 - 3.2.2

**Application Number:** 94922039.6

**Publication Number:** 0707459

**IPC:** A61B 19/00

**Language of the proceedings:** EN

**Title of invention:**

Protection of living systems from electromagnetic fields

**Applicant:**

THE CATHOLIC UNIVERSITY OF AMERICA

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing Statements of Grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0689/03 - 3.2.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.2  
of 3 November 2003

**Appellant:** THE CATHOLIC UNIVERSITY OF AMERICA  
620 Michigan Avenue, N.E.  
Washington DC 20064 (US)

**Representative:** Laight, Martin Harvey  
W.H. Beck, Greener & Co.  
7 Stone Buildings  
Lincoln's Inn  
London WC2A 3SZ (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 22 January 2003  
refusing European application No. 94922039  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** W. D. Weiß  
**Members:** M. G. Noël  
U. J. Tronser

## **Summary of Facts and Submissions**

I. The appeal contests the decision of the Examining Division of the European Patent Office dispatched by registered letter with advice of delivery to the Applicant on 22 January 2003 and concerning the refusal of the European patent application No. 94 922 039.6.

The Appellant filed a Notice of Appeal by a letter received on 24 March 2003 and paid the appeal fee on the same day. No statement setting out the grounds of appeal was filed. The Notice of Appeal contains nothing that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC.

II. By a communication dated 10 July 2003 sent by registered post, the Registrar of the Board informed the Appellant that no statement setting out the grounds of appeal has been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and 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) EPO)

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

V. Commare

W. D. Weiß