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D E C I S I O N
of 2 November 2005

Case Number: T 0644/05 - 3.2.02

Application Number: 96930642.2

Publication Number: 0792122

IPC: A61B 5/04

Language of the proceedings: EN

Title of invention:
Catheter

Applicant:
Rhythm Technologies Inc.

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0644/05 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 2 November 2005

Appellant: Rhythm Technologies Inc.
Suite 104, 7400 Baymeadows Way
Jacksonville, FL 32256 (US)

Representative: Knott, Stephen Gilbert
MATHISEN, MACARA & CO.
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 9 December 2004
refusing European application No. 96930642.2
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: T. Kriner
Members: M. Noel
E. R. Dufrasne

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 09 December 2004, and concerning the refusal of the European patent application No. 96 930 642.2.

The Appellant filed a Notice of Appeal by a letter received on 09 February 2005 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 30 May 2005, sent by registered post, the Registrar of the Board informed the Appellant that no statement setting out the grounds of appeal had 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) EPC)

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

V. Commare

T. Kriner