

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 26 February 2007**

Case Number: T 0577/06 - 3.5.03

Application Number: 98951816.2

Publication Number: 1025744

IPC: H04R 25/00

Language of the proceedings: EN

Title of invention:

Hearing aid comprising an array of microphones

Patent Proprietor:

Technische Universiteit Delft
Varibel B.V.

Opponent:

Siemens AG

Headword:

Hearing aid/TU DELFT

Relevant legal provisions:

EPC Art. 108

Keyword:

"Missing statements of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0577/06 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 26 February 2007

Appellant I:
(Patent Proprietors)

1) Technische Universiteit Delft
P.O. Box 5046
NL-2600 GA Delft (NL)

2) Varibel B.V.
Zuideinde 110
NL-7941 GL Meppel (NL)

Representative:

van Westenbrugge, Andries
Nederlandsch Octrooibureau
P.O. Box 29720
NL-2502 LS The Hague (NL)

Appellant II:
(Opponent)

Siemens Audiologische Technik GmbH
Postfach 22 16 34
D-80506 München (DE)

Representative:

Mocker, Wolfgang
Siemens AG
Postfach 22 16 34
D-80506 München (DE)

Decision under appeal:

**Interlocutory decision of the opposition
division of the European Patent Office posted
16 February 2006 concerning maintenance of
European patent No. 1025744 in amended form.**

Composition of the Board:

Chairman: A. S. Clelland
Members: F. van der Voort
R. Moufang

Summary of Facts and Submissions

- I. The appeals are from the interlocutory decision of the opposition division dated 16 February 2006 concerning the maintenance in amended form of European patent No. 1025744, granted in respect of European patent application No. 98951816.2.
- II. The appellants, ie. the patent proprietors (appellant I) and the opponent (appellant II), each filed a notice of appeal on 13 April 2006 and 26 April 2006, respectively. The payments of the appeal fee were recorded on the same days. Appellant II conditionally requested oral proceedings. No separate statements of grounds of appeal were filed.
- III. By communications dated 1 August 2006, sent by registered letter with advice of delivery, the registry of the board informed the appellants that it appeared that no statement of grounds of appeal had been filed - by either appellant - and that the appeals could be expected to be rejected as inadmissible. The appellants were invited to file observations within two months and attention was drawn to Article 122 EPC and Rule 84a EPC.
- IV. No observations by either of the appellants were received within the time limit set.
- V. In a submission on 9 February 2007 appellant II (opponent) withdrew its request for oral proceedings.

Reasons for the Decision

As no written statements setting out the grounds of appeal have been filed, the appeals are inadmissible, Article 108 EPC, last sentence, in conjunction with Rule 65(1) EPC.

Order

For these reasons it is decided that:

The appeals are rejected as inadmissible.

The Registrar:

The Chairman:

G. Röhn

A. S. Clelland