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**Datasheet for the decision  
of 13 August 2008**

**Case Number:** T 0795/08 - 3.4.01

**Application Number:** 01978756.3

**Publication Number:** 1340093

**IPC:** G01R 33/28

**Language of the proceedings:** EN

**Title of invention:**  
Magnetic resonance imaging device

**Applicant:**  
Topspin Medical (Israel) Limited

**Opponent:**  
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**Headword:**  
-

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

**Relevant legal provisions (EPC 1973):**  
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**Keyword:**  
Missing statement of grounds of appeal

**Decisions cited:**  
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**Catchword:**  
-



Case Number: T 0795/08 - 3.4.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.01  
of 13 August 2008

**Appellant:** Topspin Medical (Israel) Limited  
**Applicant:** Merkaz Ofek 1  
1 Lev Pesach Street  
North Industrial Zone  
Lod 71293 (IL)

**Representative:** Jorritsma, Ruurd  
Nederlandsch Octrooibureau  
Postbus 29720  
NL-2502 LS Den Haag (NL)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 1 October 2007  
refusing European application No. 01978756.3  
pursuant to Article 97(1) EPC 1973.

**Composition of the Board:**

**Chairman:** B. Schachenmann  
**Members:** P. Fontenay  
F. Neumann

## **Summary of Facts and Submissions**

- I. The appellant contests the decision of the examining division of the European Patent Office dated 1 October 2007 refusing European patent application No. 01978756.3.

The appellant filed a notice of appeal on 30 November 2007 and paid the appeal fee on the same day.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement, merely indicating that the arguments on which the appeal was based would be filed within the next two months.

- II. In a communication dated 24 April 2008, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.
- III. The appellant filed no observations in response to said communication and confirmed, in a phone call held on 13 August 2008 that no written statement of grounds had been filed.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1)EPC.

## **Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

R. Schumacher

B. Schachenmann