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**Datasheet for the decision
of 15 October 2008**

Case Number: T 0864/08 - 3.2.02

Application Number: 99950396.4

Publication Number: 1119382

IPC: A61B 5/14

Language of the proceedings: EN

Title of invention:

A needle apparatus

Applicant:

Prestidge, Dean Brian, et al

Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0864/08 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 15 October 2008

Appellant: Prestidge, Dean Brian
7 Key West Drive
Mullaloo, W.A. 6027 (AU)

Representative: Iemenschot, Johannes Andreas
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 22 November 2007
refusing European application No. 99950396.4
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: T. Kriner
Members: S. Chowdhury
A. Pignatelli

Summary of Facts and Submissions

I. The appeal lies from the decision of the examining division of the European Patent Office refusing European patent application No. 99950396.4. The decision was dispatched by registered letter with advice of delivery to the applicant on 22 November 2007.

The appellant filed a notice of appeal by a letter received on 18 January 2008. The payment of the appeal fee was recorded on the same day.

No separate statement of grounds was filed.

II. By a communication dated 8 May 2008 sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

III. No answer has been given to the communication within the time limit.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal contains nothing that could be regarded as statement of grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

V. Commare

T. Kriner