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**Datasheet for the decision
of 16 March 2009**

Case Number: T 1861/08 - 3.2.02

Application Number: 03253786.2

Publication Number: 1374793

IPC: A61B 19/00

Language of the proceedings: EN

Title of invention:

Invasive medical device with position sensing and display

Applicant:

Biosense Webster, Inc.

Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1861/08 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 16 March 2009

Appellant: Biosense Webster, Inc.
3333 Diamond Canyon Road
Diamond Bar, CA 91765 (US)

Representative: Mercer, Christopher Paul
Carpmaels & Ransford
43, Bloomsbury Square
London WC1A 2RA (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 28 March 2008
refusing European application No. 03253786.2
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: M. Noel
Members: P. L. P. Weber
A. Pignatelli

Summary of Facts and Submissions

- I. With its decision dated 28 March 2008 the Examining Division refused European patent application No. 03 253 786.2.

- II. The appellant filed a notice of appeal received on 9 June 2008 and paid the appeal fee on the same day. In this notice of appeal the appellant requested that the decision be set aside in its entirety and that the application be allowed to proceed to grant.

- III. No statement of the grounds of appeal was received nor did the notice of appeal contain anything that might be considered as such statement.

- IV. In a communication dated 2 October 2008 sent by registered post with advice of delivery, the board informed the appellant that no statement of grounds of appeal had been received and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.
According to the advice of delivery the appellant received the communication on 7 October 2008.

- V. The appellant did neither file observations nor a request of reestablishment in its rights in response to the communication.

Reasons for the Decision

1. Article 108 EPC requires that a statement setting out the grounds of appeal shall be filed within four months of notification of the decision. Pursuant to Rule 101(1) EPC the appeal shall be rejected as inadmissible if it does not comply with Article 108 EPC.

2. In the present case no document was filed by the appellant which could be regarded as a statement setting out the grounds of appeal.
Consequently the appeal has to be rejected as inadmissible pursuant to Rule 101(1) and Article 108 EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

D. Sauter

M. Noël