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

Case Number: T 2329/08 - 3.5.03

Application Number: 04790399.2

Publication Number: 1682956

IPC: G05B 19/401

Language of the proceedings: EN

Title of invention:

A method, device and computer program for evaluating an object using a virtual representation of said object

Applicant:

Metris N.V.

Opponent:

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Headword:

Evaluating an object using a virtual representation/METRIS

Relevant legal provisions:

EPC Art. 108

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 2329/08 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 16 March 2009

Appellant:

Metris N.V.
Interleuvenlaan 15D
BE-3001 Leuven (BE)

Representative:

Brants, Johan P.E.
De Clercq Brants & Partners
Edgard Gevaertdreef 10a
BE-9830 Sint-Martens-Latem (BE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 3 July 2008
refusing European application No. 04790399.2
pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: A. S. Clelland
Members: A. J. Madenach
M-B. Tardo-Dino

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division of the European Patent Office refusing the European patent application 04790399.2. The decision was dispatched by registered letter with advice of delivery to the applicant on 3 July 2008.
- II. The appellant (applicant) filed a notice of appeal by a letter received on 2 September 2008. The payment of the appeal fee was recorded on the same day.

No statement of grounds was filed.

- III. By a communication dated 30 December 2008, sent by registered post with advice of delivery, the registry of the board informed the appellant 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.
- IV. No answer has been given to the registry's communication within the time limit.
- V. With letter of 11 March 2009 submitted by online filing, the appellant withdrew his previous request for oral proceedings.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed within the time limit provided by Article 108 EPC in conjunction with Rule 126(2) EPC and the notice of appeal

contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Magliano

A. S. Clelland