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**Datasheet for the decision  
of 27 October 2009**

**Case Number:** T 0354/09 - 3.2.02

**Application Number:** 01966137.0

**Publication Number:** 1311195

**IPC:** A61B 17/22

**Language of the proceedings:** EN

**Title of invention:**

Systems for applying ultrasonic energy to the thoracic cavity  
and other targeted body regions

**Applicant:**

Timi 3 Systems, Inc.

**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"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0354/09 - 3.2.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.02  
of 27 October 2009

**Appellant:** Timi 3 Systems, Inc.  
3032 Coronado Drive  
Santa Clara  
CA 95054 (US)

**Representative:** Dee, Ian Mark  
Potter Clarkson LLP  
Park View House  
58 The Ropewalk  
Nottingham NG1 5DD (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 21 November 2008  
refusing European patent application  
No. 01966137.0 pursuant to Article 97(1) EPC  
1973.

**Composition of the Board:**

**Chairman:** M. Noël  
**Members:** D. Valle  
A. Pignatelli

## **Summary of Facts and Submissions**

- I. The appellant appealed against the decision of the Examining Division dated 21 November 2008 to refuse the European patent application No. 01966137 in amended form.
- II. The notice of appeal was received on 20 January 2009 and the appeal fee was paid on the same day. However, no statement of grounds of appeal has been filed within the time limit for doing so, nor did the notice of appeal contain anything that might be considered as such statement.
- III. In a communication dated 15 May 2009 sent by registered post with advice of delivery, the Board informed the appellant that no statement of grounds of appeal had been filed and that, as a consequence, it was to be expected that the appeal would be rejected as inadmissible. The appellant was also given a time limit of two months for filing observations starting from the date of notification of said communication.
- IV. The communication was notified on 22 May 2009. No observations were filed within the given time limit.

## **Reasons for the Decision**

1. According to Article 108 EPC, a statement setting out the grounds of appeal shall be filed within four months of notification of the decision.

2. If the appeal does not comply with Article 108 EPC, the appeal must be rejected as inadmissible (Rule 101(1) EPC). In the present case, no statement of grounds has been filed and consequently the appeal is rejected as inadmissible.

## **Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

D. Sauter

M. Noël