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**Datasheet for the decision  
of 12 November 2009**

**Case Number:** T 0791/09 - 3.2.02

**Application Number:** 00993015.7

**Publication Number:** 1235512

**IPC:** A61B 5/04

**Language of the proceedings:** EN

**Title of invention:**

Method and apparatus for assessing susceptibility to stroke

**Applicant:**

The Regents of The University of California

**Opponent:**

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**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 0791/09 - 3.2.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.02  
of 12 November 2009

**Appellant:** The Regents of The University of California  
12th Floor, 1111 Franklin Street  
Oakland  
California 94607-5200 (US)

**Representative:** Cross, James Peter Archibald  
R.G.C. Jenkins & Co.  
26 Caxton Street  
London SW1H 0RJ (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 9 October 2008  
refusing European application No. 00993015.7  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** M. Noël  
**Members:** P. L. P. Weber  
J. Geschwind

## **Summary of Facts and Submissions**

- I. The appellant contests the decision of the Examining Division dated 9 October 2008 refusing European patent application No. 00 99 30 15.7.
  
- II. The appellant filed a notice of appeal received on 18 December 2008 and paid the appeal fee on the same day. In the notice of appeal the appellant mentioned that the appeal was filed in respect of the rejection of the main and auxiliary requests.
  
- III. No statement of grounds of appeal was received.
  
- IV. In a communication dated 17 April 2009 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 22 April 2009.
  
- 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.

## **Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

D. Sauter

M. Noël