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**Datasheet for the decision  
of 17 February 2011**

**Case Number:** T 1801/10 - 3.4.02

**Application Number:** 99965062.5

**Publication Number:** 1141690

**IPC:** G01N 27/26

**Language of the proceedings:** EN

**Title of invention:**

Aligned particle based sensor elements

**Applicant:**

Smiths Detection Inc.

**Opponent:**

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**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 1801/10 - 3.4.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.02  
of 17 February 2011

**Appellant:**

Smiths Detection Inc.  
73 N. Vinedo Avenue  
Pasadena, CA 91107 (US)

**Representative:**

Manitz, Finsterwald & Partner GbR  
Postfach 31 02 20  
D-80102 München (DE)

**Decision under appeal:**

Decision of the Examining Division of the  
European Patent Office posted 4 March 2010  
refusing European patent application  
No. 99965062.5 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** A. G. Klein  
**Members:** M. Rayner  
B. Müller

## **Summary of Facts and Submissions**

I. The appellant contests the decision of the examining division of the European Patent Office dated 4 March 2010 refusing European patent application No. 99965062.5.

The appellant filed a notice of appeal on 14 May 2010 and paid the appeal fee on the same day.

The notice of appeal contains a request for oral proceedings.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC.

II. In a communication dated 3 September 2010, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. The appellant filed no observations in response to said communication. In a letter dated 21 January 2011 the appellant withdrew the request for oral proceedings.

## **Reasons for the Decision**

No written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement pursuant to Article 108 and Rule

99 (2) EPC. Thus, the appeal is inadmissible pursuant to Rule 101(1) EPC.

**Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

A. G. Klein