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**Datasheet for the decision  
of 7 July 2011**

**Case Number:** T 0022/11 - 3.3.05

**Application Number:** 02706484.9

**Publication Number:** 1414574

**IPC:** B01L 9/00

**Language of the proceedings:** EN

**Title of invention:**

Conductive plastic rack for pipette tips

**Patentee:**

Beckman Coulter, Inc.

**Opponent:**

Roche Diagnostics GmbH

**Headword:**

Plastic rack/BECKMAN COULTER INC

**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:**

-

**Catchword:**

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Case Number: T 0022/11 - 3.3.05

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.05  
of 7 July 2011

(Opponent) Roche Diagnostics GmbH  
Sandhofer Strasse 116  
D-68305 Mannheim (DE)

**Representative:** -

**Respondent:** Beckman Coulter, Inc.  
(Patent Proprietor) 250 S. Kraemer Boulevard  
Brea, 92821 CA (US)

**Representative:** Campbell, Arlene  
Murgitroyd & Company  
Scotland House  
165-169 Scotland Street  
Glasgow G5 8PL (GB)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
19 October 2010 concerning maintenance of  
European patent No. 1414574 in amended form.

**Composition of the Board:**

**Chairman:** G. Raths  
**Members:** H. Engl  
C. Vallet

## Summary of Facts and Submissions

I. The appeal is directed against the decision of the Opposition Division of the European Patent Office posted on 19 October 2010 concerning maintenance of the European Patent No. 1 414 574 in amended form.

II. The appellant (opponent) filed a notice of appeal on 29 December 2010 and paid the fee for appeal on the same day.

No statement of grounds was filed.

III. By a communication dated 6 April 2011 sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no statement of grounds had been filed and that its appeal could be expected to be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months of notification of the communication.

IV. No answer has been given to the Registry's communication.

## Reasons for the Decision

1. The notice of appeal filed on 29 December 2010 contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
2. As no written statement setting out the grounds of appeal has been filed the appeal has to be rejected as inadmissible (Article 108 EPC, third sentence, in conjunction with Rule 101 (1) EPC).
3. The auxiliary request for oral proceedings filed by the appellant with its notice of appeal was associated with its request for having the first instance's decision set aside and the Patent revoked in its entirety.

With the communication dated 6 April 2011 by the Registry of the Board, the appellant was made aware that in the absence of a statement of grounds, its appeal could be expected to be rejected as inadmissible.

In the absence of a reply to that communication, there are no submissions from the appellant as to the admissibility of its appeal, nor an auxiliary request for oral proceedings related to that admissibility.

Therefore, the Board considers that the decision can be issued without holding oral proceedings.

**Order**

**For this reason it is decided that:**

The appeal is rejected as inadmissible.

The Registrar

The Chairman

C. Vodz

G. Raths