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**Datasheet for the decision  
of 12 April 2011**

**Case Number:** T 0653/11 - 3.2.02

**Application Number:** 02758942.3

**Publication Number:** 1420698

**IPC:** A61B 8/12

**Language of the proceedings:** EN

**Title of invention:**

Three-dimensional tissue hardness imaging

**Applicant:**

Stichting voor de Technische Wetenschappen

**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 0653/11 - 3.2.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.02  
of 12 April 2011

**Appellant:** Stichting voor de Technische Wetenschappen  
**Applicant:** Van Vollenhovenlaan 661  
NL-3527 JP Wageningen (NL)

**Representative:** Winckels, Johannes Hubertus F.  
Vereenigde  
Johan de Wittlaan 7  
NL-2517 JR Den Haag (NL)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 4 October 2010  
refusing European patent application  
No. 02758942.3 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** M. Noël  
**Members:** P. L. P. Weber  
A. Pignatelli

## **Summary of Facts and Submissions**

- I. The appellant (applicant) appealed against the decision of the Examining Division dated 4 October 2010 refusing the European Patent application No. 02 758 942.3.
- II. The notice of appeal was received on 1 December 2010 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 28 March 2011 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 31 March 2011.
- V. In a letter dated 5 April 2011 and filed by fax on the same day, the representative of the applicant informed the Board that the applicant does not desire to proceed.

## **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