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**Datasheet for the decision
of 14 January 2013**

Case Number: T 0701/12 - 3.4.01

Application Number: 05775573.8

Publication Number: 1791592

IPC: A61N 1/05

Language of the proceedings: EN

Title of invention:

Stimulation system and method treating a neurological disorder

Applicant:

ADVANCED NEUROMODULATION SYSTEMS, INC.

Opponent:

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Headword:

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Relevant legal provisions:

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Keyword:

-

Decisions cited:

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Catchword:

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Case Number: T 0701/12 - 3.4.01

D E C I S I O N
of the Technical Board of Appeal 3.4.01
of 14 January 2013

Appellant: ADVANCED NEUROMODULATIONS SYSTEMS, INC.
(Applicant) 6901 Preston Road
Plano, TX 75024 (US)

Representative: Price, Nigel John King
J A Kemp
14 South Square
Gray's Inn
London WC1R 5JJ (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 14 November 2011
refusing European patent application
No. 05775573.8 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: F. Neumann
Members: P. Fontenay
C. Schmidt

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division to refuse the European patent application No. 05 775 573.8. The decision was notified by letter dated 14 November 2011.
- II. The appellant (applicant) filed a notice of appeal against said decision by a letter received on 13 January 2012 and paid the prescribed appeal fee on the same day.
- III. No statement setting out the grounds of appeal was filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as constituting such a statement.
- IV. In a communication dated 4 April 2012 sent by registered letter with advice of delivery, the Board informed the appellant that no written statement of grounds had been received and that the appeal should be expected to be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication which reached the addressee on 10 April 2012.

Reasons for the Decision

As no written statement of grounds of appeal has been filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1) EPC.

The inadmissibility of the appeal is effective from the date of expiry of the period of four months of notification of the impugned decision.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairwoman:

R. Schumacher

F. Neumann