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**Datasheet for the decision
of 22 November 2013**

Case Number: T 2068/12 - 3.4.01

Application Number: 94931851.3

Publication Number: 754075

IPC: A61N1/05, A61B5/042

Language of the proceedings: EN

Title of invention:

ELECTRODE ELEMENTS FOR FORMING LESION PATTERNS

Patent Proprietor:

Boston Scientific Limited

Opponent:

C. R. Bard, Inc.

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 100(1)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 2068/12 - 3.4.01

**D E C I S I O N
of Technical Board of Appeal 3.4.01
of 22 November 2013**

Appellant: C. R. Bard, Inc.
(Opponent) 730 Central Avenue
Murray Hill, NJ 07974 (US)

Representative: HOFFMANN EITLE
Patent- und Rechtsanwälte
Arabellastrasse 4
81925 München (DE)

Respondent: Boston Scientific Limited
(Patent Proprietor) Financial Services Centre,
Post Office Box 111,
Bishop's Court Hill
Saint Michael, Barbados, West Indies (BB)

Representative: Ede, Eric
Murgitroyd & Company
Scotland House
165-169 Scotland Street
Glasgow G5 8PL (GB)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 17 July 2012
rejecting the opposition filed against European
patent No. 754075 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman: G. Assi
Members: P. Fontenay
M. Vogel

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 17 July 2012, rejecting the opposition filed against European patent N° 0 754 075 pursuant to Article 101(2) EPC.
- II. The appellant (opponent) filed a notice of appeal on 17 September 2012 and paid the appeal fee on the same day.
- III. By communication of 8 April 2013, received by the appellant on 9 April 2013, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed and that it was therefore to be expected that the appeal would 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.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



R. Schumacher

G. Assi

Decision electronically authenticated