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**Datasheet for the decision  
of 16 January 2013**

**Case Number:** T 2211/12 - 3.5.05

**Application Number:** 07795641.5

**Publication Number:** 2030138

**IPC:** G06F19/00

**Language of the proceedings:** EN

**Title of invention:**

PATIENT MONITORING HELP SCREEN SYSTEM AND METHOD

**Applicant:**

Nellcor Puritan Bennett LLC

**Headword:**

Pulse oxymeter with help screen/NELLCOR

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

European Patent Office  
D-80298 MUNICH  
GERMANY  
Tel. +49 (0) 89 2399-0  
Fax +49 (0) 89 2399-4465

Case Number: T 2211/12 - 3.5.05

**D E C I S I O N**  
**of the Technical Board of Appeal 3.5.05**  
**of 16 January 2013**

**Appellant:** Nellcor Puritan Bennett LLC  
(Applicant) 4280 Hacienda Drive  
Pleasanton, CA 94588 (US)

**Representative:** Gibbs, Richard  
Marks & Clerk LLP  
Aurora  
120 Bothwell Street  
Glasgow G2 7JS (GB)

**Decision under appeal:** **Decision of the Examining Division of the European Patent Office posted 2 May 2012 refusing European patent application No. 07795641.5 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair:** A. Ritzka  
**Members:** P. Cretaine  
D. Prietzel-Funk

## **Summary of Facts and Submissions**

- I. The appellant contests the decision of the examining division of the European Patent Office dated 2 May 2012 refusing European patent application No. 07795641.5.

The appellant filed a notice of appeal on 2 July 2012.

The authorisation to pay the appeal fee was filed with the letter dated 20 June 2012. The appeal fee was paid on the same day.

A written statement setting out the grounds of appeal was not 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 such statement.

- II. In a communication dated 24 October 2012, 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.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, 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 Chair:



K. Götz

A. Ritzka

Decision electronically authenticated