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**Datasheet for the decision  
of 28 October 2013**

**Case Number:** T 1005/13 - 3.2.02

**Application Number:** 09734649.8

**Publication Number:** 2271268

**IPC:** A61B 17/22

**Language of the proceedings:** EN

**Title of invention:**

Recanalizing occluded vessels using controlled antegrade and retrograde tracking

**Applicant:**

Retrovascular, Inc.

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

"Admissibility of appeal - missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1005/13 - 3.2.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.02  
of 28 October 2013

**Appellant:**  
(Applicant)

Retrovascular, Inc.  
1121 Stoney Creek Drive  
Sanramon, CA 94582 (US)

**Representative:**

Ilgart, Jean-Christophe  
BREVALEX  
95 rue d'Amsterdam  
F-75378 Paris Cedex 8 (FR)

**Decision under appeal:**

**Decision of the Examining Division of the  
European Patent Office posted 16 November 2012  
refusing European patent application  
No. 09734649.8 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman:** E. Dufrasne  
**Members:** M. Stern  
P. L. P. Weber

## **Summary of Facts and Submissions**

- I. The appellant (applicant) contests the decision of the Examining Division of the European Patent Office posted on 16 November 2012 refusing European patent application No. 09 734 649.8.
  
- II. The notice of appeal was received on 16 January 2013 and the appeal fee was paid on the same day. No statement of grounds of appeal has been filed.
  
- III. By a communication dated 3 May 2013 sent by registered letter with advice of delivery, the Registry of 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.
  
- IV. The communication was notified on 13 May 2013. No observations were filed within the given time limit.

### **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:

D. Hampe

E. Dufrasne