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**Datasheet for the decision
of 16 January 2014**

Case Number: T 1041/13 - 3.4.02

Application Number: 00114995.4

Publication Number: 1074832

IPC: G01N27/327, C12Q1/00

Language of the proceedings: EN

Title of invention:

Improved electrochemical-sensor design

Patent Proprietor:

BAYER CORPORATION

Opponent:

Abbott Diabetes Care Inc.

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

Missing statement of grounds

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1041/13 - 3.4.02

D E C I S I O N
of Technical Board of Appeal 3.4.02
of 16 January 2014

Appellant: Abbott Diabetes Care Inc.
(Opponent) 1360 South Loop Road
Alameda, CA 94502 (US)

Representative: Duxbury, Stephen
Arnold & Siedsma
Pettenkoferstrasse 37
80336 München (DE)

Respondent: BAYER CORPORATION
(Patent Proprietor) 100 Bayer Road
Pittsburgh, PA 15205-9741 (US)

Representative: Linhart, Angela
Bayer HealthCare AG
Law and Patents, Patents and Licensing
Building Q18
51368 Leverkusen (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
28 February 2013 concerning maintenance of the
European Patent No. 1074832 in amended form.**

Composition of the Board:

Chairman: A. Klein
Members: H. von Gronau
B. Müller

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division, posted on 28 February 2013.
- II. The appellant filed a notice of appeal on 29 April 2013 and paid the appeal fee on the same day.
- III. By communication of 23 July 2013, received by the appellant, 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 has been 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:



M. Kiehl

A. Klein

Decision electronically authenticated