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**Datasheet for the decision
of 6 March 2014**

Case Number: T 1909/13 - 3.3.02

Application Number: 05740440.2

Publication Number: 1747281

IPC: C12Q1/00, G01N27/49, G01N33/487

Language of the proceedings: EN

Title of invention:
ELECTROCHEMICAL ASSAY DEVICE AND RELATED METHODS

Patent Proprietor:
AgaMatrix, Inc.

Opponent:
Abbott Diabetes Care Inc.

Headword:

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**

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Case Number: T 1909/13 - 3.3.02

**D E C I S I O N
of Technical Board of Appeal 3.3.02
of 6 March 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: AgaMatrix, Inc.
(Patent Proprietor) 7C Raymond Avenue
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Representative: Bublak, Wolfgang
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 28 June 2013
rejecting the opposition filed against European
patent No. 1747281 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman: U. Oswald
Members: T. Sommerfeld
R. Cramer

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 16 May 2013, posted on 28 June 2013, rejecting the opposition.
- II. The opponent filed a notice of appeal on 20 August 2013 and paid the appeal fee on the same day.
- III. By communication of 10 December 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 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:



N. Maslin

U. Oswald

Decision electronically authenticated