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**Datasheet for the decision
of 11 January 2018**

Case Number: T 0747/17 - 3.2.06

Application Number: 07808524.8

Publication Number: 2051675

IPC: A61F13/00, A61M1/00

Language of the proceedings: EN

Title of invention:
WOUND-STIMULATING UNIT

Patent Proprietor:
KCI Medical Resources

Opponent:
Smith and Nephew, Inc.

Relevant legal provisions:

EPC Art. 108, 101(1)
EPC R. 99(2), 126(2)

Keyword:

Admissibility of appeal
Statement of grounds of appeal



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 0747/17 - 3.2.06

D E C I S I O N
of Technical Board of Appeal 3.2.06
of 11 January 2018

Appellant: Smith and Nephew, Inc.
(Opponent) 1450 Brooks Road
Memphis, TN 38116 (US)

Representative: HGF Limited
1 City Walk
Leeds LS11 9DX (GB)

Respondent: KCI Medical Resources
(Patent Proprietor) Zephyr House,
Mary Street
Grand Cayman (KY)

Representative: CMS Cameron McKenna Nabarro
Olswang LLP
Cannon Place
78 Cannon Street
London EC4N 6AF (GB)

Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on
17 January 2017 concerning maintenance of the
European Patent No. 2051675 in amended form.

Composition of the Board:

Chairman M. Harrison
Members: G. de Crignis
J. Hoppe

Summary of Facts and Submissions

- I. The appeal of the opponent is directed against the decision of the opposition division posted on 17 January 2017.
- II. The appellant (opponent) filed a notice of appeal on 27 March 2017 and paid the appeal fee on the same day.
- III. By communication of 21 September 2017, receipt of which was confirmed 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:



M. H. A. Patin

M. Harrison

Decision electronically authenticated