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**Datasheet for the decision
of 30 November 2018**

Case Number: T 1293/18 - 3.5.01

Application Number: 07776655.8

Publication Number: 2013829

IPC: G06Q10/00, G06F19/00

Language of the proceedings: EN

Title of invention:
PATIENT CUSTOMIZED THERAPEUTIC REGIMENS

Applicant:
Proteus Digital Health, Inc.

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1), 126(2)

Keyword:
Admissibility of appeal - missing statement of grounds



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Case Number: T 1293/18 - 3.5.01

D E C I S I O N
of Technical Board of Appeal 3.5.01
of 30 November 2018

Appellant: Proteus Digital Health, Inc.
(Applicant) 2600 Bridge Parkway, Suite 101
Redwood City, CA 94065 (US)

Representative: Murgitroyd & Company
Scotland House
165-169 Scotland Street
Glasgow G5 8PL (GB)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 5 December 2017
refusing European patent application No.
07776655.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman W. Chandler
Members: A. Wahrenberg
Y. Podbielski

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division of 19 October 2017, posted on 5 December 2017.

- II. The appellant filed a notice of appeal on 13 February 2018 and paid the appeal fee on the same day.

- III. By communication of 28 May 2018, 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.
In the same communication, the Board stated that it assumed, unless contradicted by the appellant in the specified period, that the appellant's request for oral proceedings did not apply to the issue of inadmissibility of the appeal because no grounds of appeal had been filed in due time.

- 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, the notice of appeal does not contain 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:



T. Buschek

W. Chandler

Decision electronically authenticated