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**Datasheet for the decision
of 4 November 2019**

Case Number: T 2052/19 - 3.2.02

Application Number: 06726754.2

Publication Number: 1890589

IPC: A61B5/00

Language of the proceedings: EN

Title of invention:
APPARATUS AND SYSTEM FOR MONITORING

Applicant:
Hidalgo Limited

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

Admissibility of appeal - statement of grounds (not filed)

Decisions cited:

Catchword:



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Case Number: T 2052/19 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 4 November 2019

Appellant: Hidalgo Limited
(Applicant) Unit F
Buckingway Business Park
Anderson Road
Swavesey
Cambridge CB24 4UQ (GB)

Representative: Boulton Wade Tennant LLP
Salisbury Square House
8 Salisbury Square
London EC4Y 8AP (GB)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 5 February 2019
refusing European patent application No.
06726754.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman E. Dufresne
Members: S. Böttcher
D. Ceccarelli

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division of 16 January 2019, posted on 5 February 2019.
- II. The appellant filed a notice of appeal on 15 April 2019 and paid the appeal fee on the same day.

In the notice of appeal the following could be read:

"A statement setting out the Grounds of Appeal in accordance with Rule 99(2) EPC will be submitted in due course and within the four month period prescribed under Article 108 EPC.

In the event that the Board of Appeal is not able to i) set aside the Decision and ii) accept the application for grant (issue of a Rule 71(3) EPC communication) on the basis of the written submissions alone, then Oral Proceedings are requested under Article 116 EPC."

- III. By communication of 23 July 2019, received by the appellant on 29 July 2019, 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

1. 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.

2. In the notice of appeal the appellant requested oral proceedings as an auxiliary measure. This means that oral proceedings were requested in case the decision of the Opposition Division could not be set aside on the basis of the grounds of appeal still to be provided.

In the absence of the filing of any detailed submissions setting out the grounds of appeal this request is therefore baseless.

There is also no room for interpreting this request as relating to the question of the admissibility of the appeal which is a new procedural situation.

The attention of the appellant was drawn to this new procedural situation in the communication dated 23 July 2019 and it did not request oral proceedings so that the appeal can be dealt with in written proceedings only.

3. 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

Decision electronically authenticated