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**Datasheet for the decision
of 2 December 2020**

Case Number: T 0392/20 - 3.4.02

Application Number: 13706780.7

Publication Number: 2810052

IPC: G01N25/48, G01N21/84,
G01N33/558

Language of the proceedings: EN

Title of invention:

THERMAL CONTRAST ASSAY AND READER

Patent Proprietors:

Regents of the University of Minnesota
The Governing Council of the University of Toronto

Opponent:

Hoffmann Eitle S.L.U.

Relevant legal provisions:

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

Keyword:

Admissibility of appeal - missing statement of grounds



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0392/20 - 3.4.02

D E C I S I O N
of Technical Board of Appeal 3.4.02
of 2 December 2020

Appellant: Hoffmann Eitle S.L.U.
(Opponent) Paseo de la Castellana 140, 3a planta
Edificio LIMA
28046 Madrid (ES)

Representative: Hoffmann Eitle
Hoffmann Eitle S.L.U.
Paseo de la Castellana 140, 3a planta
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Respondents: Regents of the University of Minnesota
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and

The Governing Council of the University of
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Representative: Isarpatent
Patent- und Rechtsanwälte Behnisch Barth Charles
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 27 November
2019 rejecting the opposition filed against**

European patent No. 2810052 pursuant to Article
101(2) EPC.

Composition of the Board:

Chairman	R. Bekkering
Members:	F. J. Narganes-Quijano
	T. Karamanli

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the opposition division posted on 27 November 2019 to reject the opposition filed against European patent No. 2 810 052 pursuant to Article 101(2) EPC.
- II. The appellant filed notice of appeal on 7 February 2020 and paid the appeal fee on the same day.
- III. By communication of 2 June 2020, 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.

In the same communication, it was stated that the Board 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 of 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:



L. Gabor

R. Bekkering

Decision electronically authenticated