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**Datasheet for the decision  
of 20 December 2022**

**Case Number:** T 1784/22 - 3.2.02

**Application Number:** 02775909.1

**Publication Number:** 1328199

**IPC:** A61B17/122, A61B17/128

**Language of the proceedings:** EN

**Title of invention:**

THROUGH THE SCOPE ENDOSCOPIC HEMOSTATIC CLIPPING DEVICE

**Patent Proprietor:**

Boston Scientific Medical Device Limited

**Opponents:**

M T W-Endoskopie W. Haag KG  
Cook Medical Technologies LLC

**Headword:**

**Relevant legal provisions:**

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

**Keyword:**

Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
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**Case Number:** T 1784/22 - 3.2.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.02**  
**of 20 December 2022**

**Appellant:**  
(Opponent 2)

Cook Medical Technologies LLC  
750 North Daniels Way  
Bloomington, IN 47404 (US)

**Representative:**

Warren, Caroline Elisabeth  
Mathys & Squire  
The Shard  
32 London Bridge Street  
London SE1 9SG (GB)

**Respondent:**  
(Patent Proprietor)

Boston Scientific Medical Device Limited  
Ballybrit Business Park  
Galway (IE)

**Representative:**

Vossius & Partner  
Patentanwälte Rechtsanwälte mbB  
Siebertstrasse 3  
81675 München (DE)

**Party as of right:**  
(Opponent 1)

M T W-Endoskopie W. Haag KG  
Goldsbergstraße 18  
46487 Wesel (DE)

**Representative:**

Brötz, Helmut  
Rieder & Partner mbB  
Patentanwälte - Rechtsanwalt  
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42329 Wuppertal (DE)

**Decision under appeal:**

**Decision of the Opposition Division of the  
European Patent Office posted on 10 May 2022  
rejecting the oppositions filed against European  
patent No. 1328199 pursuant to Article 101(2)  
EPC**

**Composition of the Board:**

<b>Chairman</b>	M. Alvazzi Delfrate
<b>Members:</b>	D. Ceccarelli
	Y. Podbielski

## **Summary of Facts and Submissions**

- I. Opponent 2 has appealed against the decision of the opposition division, posted on 10 May 2022 to reject the oppositions against the European patent.
- I. The appellant filed a notice of appeal on 20 July 2022 and paid the appeal fee on the same day.
- II. By communication of 4 October 2022, 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 EPC, third sentence 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.
- III. 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:



A. Chavinier-Tomsic

M. Alvazzi Delfrate

Decision electronically authenticated