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**D E C I S I O N**  
**of 9 February 2000**

**Case Number:** T 1010/99 - 3.5.2

**Application Number:** 94931786.1

**Publication Number:** 0721610

**IPC:** G04B 47/00

**Language of the proceedings:** EN

**Title of invention:**

Electronic dosing information device

**Applicant:**

APREX CORPORATION

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing statement of grounds"

"Request for oral proceedings in notice of appeal - appellant confirmed this request was not maintained"

**Decisions cited:**

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**Catchword:**

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Boards of Appeal

Chambres de recours

**Case Number:** T 1010/99 - 3.5.2

**D E C I S I O N**  
**of the Technical Board of Appeal 3.5.2**  
**of 9 February 2000**

**Appellant:** APREX CORPORATION  
47221 Fremont Boulevard  
Fremont  
California 94538 (US)

**Representative:** von Hellfeld, Axel, Dr. Dipl.-Phys.  
Wuesthoff & Wuesthoff  
Patent- und Rechtsanwälte  
Schweigerstraße 2  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 29. April 1999  
refusing European patent application  
No. 94 931 786.1 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** W. J. L. Wheeler  
**Members:** M. R. J. Villemin  
B. J. Schachenmann

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Examining Division of the European Patent Office refusing the European patent application No. 94 931 786.1. The decision was dispatched by registered letter with advice of delivery on 29 April 1999. The applicant filed a notice of appeal by letter received on 28 Juni 1999 and paid the fee for appeal on the same date. No statement of grounds was received. The notice of appeal contains a request for oral proceedings but nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
- II. By a communication dated 19 November 1999 and sent by registered post with advice of delivery, the Registrar of the Board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.
- III. By fax dated 7 February 2000 it was confirmed that the appellant did not wish to pursue the appeal and that the request for oral proceedings was not maintained.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed within the time limit provided by Article 108 EPC in conjunction with Rule 78(3) EPC), the appeal has to be rejected as inadmissible (Rule 65(1) EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

W. J. L. Wheeler