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D E C I S I O N
of 14 March 2002

Case Number: T 0192/00 - 3.4.3

Application Number: 90125575.2

Publication Number: 0435286

IPC: H01L 39/14

Language of the proceedings: EN

Title of invention:

Method of manufacturing oxide superconducting wire

Patentee:

SUMITOMO ELECTRIC INDUSTRIES, LTD.

Opponent:

Siemens AG

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0192/00 - 3.4.3

D E C I S I O N
of the Technical Board of Appeal 3.4.3
of 14 March 2002

Appellant: Siemens AG
(Opponent) Postfach 22 16 34
D-80506 München (DE)

Representative: -

Respondent: SUMITOMO ELECTRIC INDUSTRIES, LTD.
(Proprietor of the patent) 5-33, Kitahama 4-chome
Chuo-ku
Osaka-shi
Osaka 541 (JP)

Representative: Winter, Brandl, FURNISS, Hübner, Röss
Kaiser, Polte
Partnerschaft
Patent- und Rechtsanwaltskanzlei
Alois-Steinecker-Strasse 22
D-85354 Freising (DE)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 23 December
1999 concerning maintenance of European patent
No. 0 435 286 in amended form.

Composition of the Board:

Chairman: R. K. Shukla
Members: G. L. Eliasson
M. J. Vogel

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 23 December 1999 concerning maintenance of European patent No. 0 435 286 in amended form.

The appellant (opponent) filed a notice of appeal on 4 February 2000 and paid the fee for appeal on the same day.

No statement of grounds of appeal was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

- II. By a communication dated 19 November 2001, sent by registered letter with advice of delivery, the registry of the Board informed the appellant that no statement of grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months. Attention was also drawn to Article 22 EPC.
- III. No answer has been given to the registry's communication.

Reasons for the Decision

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

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Spigerelli

R. Shukla