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**D E C I S I O N**  
**of 5 February 2000**

**Case Number:** T 0760/00 - 3.2.6

**Application Number:** 91309895.0

**Publication Number:** 0538526

**IPC:** D06F 67/04

**Language of the proceedings:** EN

**Title of invention:**

Device for straightening one edge of rectangular sheet

**Patentee:**

TOKAI CO., LTD.

**Opponent:**

Herbert Kannegiesser GmbH + Co.

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing Statement of Grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0760/00 - 3.2.6

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.6**  
**of 5 February 2001**

**Appellant:** Herbert Kannegiesser GmbH + Co.  
(Opponent) Kannegiesserring  
D-32602 Vlotho (DE)

**Representative:** Möller, Friedrich, Dipl.-Ing.  
Meissner, Bolte & Partner  
Anwaltssozietät GbR  
Hollerallee 73  
D-28209 Bremen (DE)

**Respondent:** TOKAI CO., LTD.  
(Proprietor of the patent) 2025-3, Tsuruichi-cho  
Takamatsu-shi  
Kagawa-ken (JP)

**Representative:** Allam, Peter Clerk  
LLOYD WISE, TREGEAR & CO.  
Commonwealth House  
1-19 New Oxford Street  
London WC1A 1LW (GB)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 10 May 2000  
rejecting the opposition filed against European  
patent No. 0 538 526 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** P. Alting van Geusau  
**Members:** G. C. Kadner  
M. J. Vogel

## **Summary of Facts and Submissions**

I. In its decision dated 10 May 2000 the Opposition Division rejected the opposition in respect of the European patent No. 0 538 526.

With facsimile from 20 July 2000 the Appellant (Opponent) filed a Notice of Appeal against this decision and paid the appeal fee on the same date. The Appellant requested that the decision under appeal be set aside and that the patent be revoked.

The 4 months period for filing a written statement setting out the grounds of appeal pursuant to Article 108 EPC ended on 20 September 2000. No Statement of Grounds arrived at the EPO by then.

II. By a communication dated 6 November 2000 and sent by registered letter, the Registry of the Board informed the Appellant that no Statement of Grounds had been filed and that the appeal would be rejected as inadmissible. The Appellant was invited to file observations within two months.

III. No response to said communication was received by the EPO.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed and the Notice of Appeal does not contain anything that could be regarded as a Statement of Grounds pursuant to Article 108 EPC the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65[1] EPC).

**Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Patin

P. Alting van Geusau