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**D E C I S I O N**  
**of 23 May 2001**

**Case Number:** T 1131/00 - 3.2.3

**Application Number:** 95924216.5

**Publication Number:** 0769124

**IPC:** F26B 13/10

**Language of the proceedings:** EN

**Title of invention:**

Drying device with improved guide for rotary cut wood veneer

**Patentee:**

Angelo Cremona & Figlio S.p.A.

**Opponent:**

Babcock-BSH GmbH

**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 1131/00 - 3.2.3

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.3**  
**of 23 May 2001**

**Appellant:** Babcock-BSH GmbH  
(Opponent) August-Gottlieb Strasse 5  
D-36251 Bad Hersfeld (DE)

**Representative:** Frese-Göddeke, Beate, Dr.  
Patentanwältin  
Hüttenallee 237b  
D-47800 Krefeld (DE)

**Respondent:** Angelo Cremona & Figlio S.p.A.  
(Proprietor of the patent) Viale Lombardia, 275  
20052 Monza (IT)

**Representative:** Faraggiana, Vittorio, Dr. Ing.  
Ingg. Guzzi & Ravizza S.r.l.  
Via Vincenzo Monti 8  
20123 Milano (IT)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 27 September 2000  
rejecting the opposition filed against European  
patent No. 0 769 124 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** C. T. Wilson  
**Members:** U. Krause  
J. P. B. Seitz

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office given orally on 7 July 2000 rejecting the opposition against European patent No. 0 769 124. The decision in writing was dispatched by registered letter with advice of delivery to the parties on 27 September 2000. The Appellant filed a notice of appeal by a letter received on 24 November 2000 and paid the fee for appeal on the same day. No Statement of Grounds 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 28 February 2001 sent by registered post, the Registry 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. 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 (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:

A. Counillon

C. T. Wilson