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D E C I S I O N
of 17 July 2001

Case Number: T 1198/00 - 3.2.6

Application Number: 94307518.4

Publication Number: 0648873

IPC: D02G 3/32

Language of the proceedings: EN

Title of invention:

Hosiery and process for producing the same

Patentee:

TORAY INDUSTRIES, INC.

Opponent:

NYLSTAR SA

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 1198/00 - 3.2.6

D E C I S I O N
of the Technical Board of Appeal 3.2.6
of 17 July 2001

Appellant: NYLSTAR SA
(Opponent) Avenue de l'Ermitage
F-62054 Saint-Laurent-Blangy Cedex (FR)

Representative: Esson, Jean-Pierre
Rhodia Services
Direction de la Propriété Industrielle
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F-69192 Saint-Fons Cédex (FR)

Respondent: TORAY INDUSTRIES, INC.
(Proprietor of the patent) 2-1, Nihonbashi Muromachi 2-chome
Chuo-ku
Tokyo 103 (JP)

Representative: Sturt, Clifford Mark
Miller Sturt Kenyon
9 John Street
London WC1N 2ES (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 2 October 2000
rejecting the opposition filed against European
patent No. 0 648 873 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: P. Alting van Geusau
Members: G. C. Kadner
M. B. Tardo-Dino

Summary of Facts and Submissions

- I. In its decision dated 27 September 2000 and posted on 2 October 2000 the Opposition Division rejected the Opposition on Patent No. 0 648 873.

With Facsimile from 12 December 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 12 February 2001. No Statement of Grounds arrived at the EPO by then.

- II. By a communication dated 7 May 2001 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