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D E C I S I O N
of 1 February 2002

Case Number: T 0185/01 - 3.2.4

Application Number: 94300070.3

Publication Number: 0608047

IPC: A24D 3/04

Language of the proceedings: EN

Title of invention:

Concentric smoking filter having cellulose acetate tow
periphery and carbon-particle-loaded web filter core

Patentee:

Philip Morris Products Inc.

Opponent:

British-American Tobacco (Germany) 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 0185/01 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 1 February 2002

Appellant: Philip Morris Products Inc.
(Proprietor of the patent) 3601 Commerce Raod
Richmond
Virginia 23234 (US)

Representative: Marlow, Nicholas Simon
Reddie & Grose
16, Theobalds Road
London WC1X 8PL (GB)

Respondent: British-American Tobacco
(Opponent) (Germany) GmbH
Alsterufer 4
D-20354 Hamburg (DE)

Representative: Marx, Lothar, Dr.
Patentanwälte Schwabe, Sandmair, Marx
Stuntzstrasse 16
D-81677 München (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 4 December 2000
revoking European patent No. 0 608 047 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: C. Andries
Members: R. Gryc
H. Preglau

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 4 December 2000, revoking the European patent No. 0 608 047 pursuant to Article 102(1) EPC.

The Appellant (Patent Proprietor) filed a notice of appeal on 7 February 2001 and paid the appeal fee on the same day.

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

II. By a communication dated 14 November 2001 sent by registered letter with advice of delivery, 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 received within the given time limit 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:

G. Magouliotis

C. Andries