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**D E C I S I O N**  
**of 11 June 2002**

**Case Number:** T 0623/01 - 3.2.1

**Application Number:** 94200818.6

**Publication Number:** 0618373

**IPC:** F15B 15/28

**Language of the proceedings:** EN

**Title of invention:**

Position indicator

**Patentee:**

HYDRAUDYNE CYLINDERS B.V.

**Opponent:**

Hydrowa B.V.

Griekspoor Machinefabriek B.V.

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing Statement of Grounds"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0623/01 - 3.2.1

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.1**  
**of 11 June 2002**

**Appellant:** HYDRAUDYNE CYLINDERS B.V.  
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**Representative:** van Westenbrugge, Andries  
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**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 26 March 2001  
revoking European patent No. 0 618 373 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** F. Gumbel  
**Members:** S. Crane  
H. Preglau

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 21 March 2001, revoking the European patent No. 0 618 373.

The written decision was dispatched by registered letter with advice of delivery on 26 March 2001.

On 23 May 2001 the Appellant filed a notice of appeal by and paid the fee for appeal at the same time. 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 18 March 2002 and 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. The Appellant filed no observations in response to said 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:

S. Fabiani

F. Gumbel