

BESCHWERDEKAMMERN
DES EUROPÄISCHEN
PATENTAMTS

BOARDS OF APPEAL OF
THE EUROPEAN PATENT
OFFICE

CHAMBRES DE RECOURS
DE L'OFFICE EUROPEEN
DES BREVETS

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

D E C I S I O N
of 25 January 2002

Case Number: T 0920/01 - 3.4.2
Application Number: 97912704.0
Publication Number: 0880697
IPC: G01N 33/22

Language of the proceedings: EN

Title of invention:

Measuring heating value using pre-determined volumes in non-catalytic combustion

Applicant:

INSTROMET, INC.

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number: T 0920/01 - 3.4.2

D E C I S I O N
of the Technical Board of Appeal 3.4.2
of 25 January 2002

Appellant:

INSTROMET, INC.
3731 Briar Park, Suite 100
Houston, Texas 77042 (TX)

Representative:

Patentanwälte Ruff, Wilhelm
Beier, Dauster & Partner
Postfach 10 40 36
D-70035 Stuttgart (DE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 9 February 2001
refusing European patent application
No. 97 912 704.0 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: E. Turrini
Members: M. A. Rayner
G. E. Weiss

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 9 February 2001 refusing the European patent application No. 97 912 704.0. The Appellant filed a notice of appeal by letter received on 7 April 2001 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 8 November 2001 and sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no Statement of Grounds has 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:

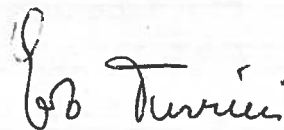
The appeal is rejected as inadmissible.

The Registrar:



P. Martorana

The Chairman:



E. Turrini

