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

Case Number: T 0994/01 - 3.5.2

Application Number: 94302299.6

Publication Number: 0619568

IPC: G08C 25/02

Language of the proceedings: EN

Title of invention:

Diagnostic method and apparatus for a domestic appliance

Patentee:

Whirlpool Corporation

Opponent:

Diehl Stiftung & Co.

Headword:

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Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Statement of Grounds not filed"

Decisions cited:

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Catchword:

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Case Number: T 0994/01 - 3.5.2

D E C I S I O N
of the Technical Board of Appeal 3.5.2
of 25 February 2002

Appellant: Whirlpool Corporation
(Proprietor of the patent) 2000 M-63
Benton Harbor
Michigan 49022-2692 (US)

Representative: Allen, William Guy Fairfax
J.A. KEMP & CO.
14 South Square
Gray's Inn
London WC1R 5JJ (GB)

Respondent: Diehl Stiftung & Co.
(Opponent) Stephanstr. 49
D-90478 Nürnberg (DE)

Representative: Hofmann, Gerhard, Dipl.-Ing.
Patentassessor
Stephanstr. 49
D-90478 Nürnberg (DE)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 9 July 2001
concerning maintenance of European patent
No. 0 619 568 in amended form.

Composition of the Board:

Chairman: W. J. L. Wheeler
Members: F. Edlinger
P. Mühlens

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office posted on 9 July 2001, concerning maintenance of the European patent No. 0 619 568 in amended form.

The Appellant (Patentee) filed a notice of appeal on 5 September 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 6 December 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 to the Registry's communication has been given within the time limit.

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:

M. Hörnell

W. J. L. Wheeler