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

**Case Number:** T 1102/01 - 3.2.4

**Application Number:** 97117412.3

**Publication Number:** 0835995

**IPC:** F02B 27/02

**Language of the proceedings:** EN

**Title of invention:**

Internal combustion engine with an intake passage of variable volume

**Applicant:**

YAMAHA HATSUDOKI KABUSHIKI KAISHA

**Opponent:**

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**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 1102/01 - 3.2.4

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.4**  
**of 11 January 2002**

**Appellant:** YAMAHA HATSUDOKI KABUSHIKI KAISHA  
2500 Shingai  
Iwata-shi  
Shizuoka-ken, 438 (JP)

**Representative:** Grünecker, Kinkeldey,  
Stockmair & Schwanhäusser  
Anwaltssozietät  
Maximilianstrasse 58  
D-80538 München (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 11 April 2001  
refusing European patent application  
No. 97 117 412.3 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** C. A. J. Andries  
**Members:** T. K. H. Kriner  
H. Preglau

## **Summary of Facts and Submissions**

I. The appeal contests the decision of the Examining Division of the European Patent Office dispatched by registered letter with advice of delivery to the Applicant on 11 April 2001, and concerning the refusal of the European patent application No. 97 117 412.3.

The Appellant filed a Notice of Appeal by a letter received on 24 April 2001 and paid the appeal fee on the same day. No statement setting out the grounds of appeal was filed. The Notice of Appeal contains nothing that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC.

II. By a communication dated 17 October 2001, sent by registered post, the Registrar of the Board informed the Appellant that no statement setting out the grounds of appeal has been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

III. No answer has been given 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