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

Case Number: T 0128/02 - 3.3.6

Application Number: 97947398.0

Publication Number: 0938607

IPC: D21C 11/12

Language of the proceedings: EN

Title of invention:
Segmented smelt spout

Applicant:
ALSTOM POWER INC

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



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Boards of Appeal

Chambres de recours

Case Number: T 0128/02 - 3.3.6

D E C I S I O N
of the Technical Board of Appeal 3.3.6
of 1 July 2002

Appellant: ALSTOM POWER INC.
2000 Day Hill Road
Windsor, Connecticut 06095 (US)

Representative: Hellwig, Tillmann, Dr.
Dreiss, Fuhlendorf, Steimle & Becker
Patentanwälte
Postfach 103762
D-70032 Stuttgart (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 9 July 2001
refusing European patent application
No. 97 947 398.0 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: P. Krasa
Members: G. Dischinger-Hoeppler
M. B. Tardo-Dino

Summary of Facts and Submissions

The appeal contests the decision of the Examining Division of the European Patent Office posted 9 July 2001, refusing the European patent application No. 97 947 398.0 pursuant to Article 97(1) EPC.

The Appellant filed a Notice of Appeal on 31 August 2001 and paid the fee for appeal on the same day.

No Statement of Grounds was filed.

The Notice of Appeal does not contain anything that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

By a communication dated 18 February 2002 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 and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

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 and as the notice of appeal does not contain anything that could be regarded as a statement of ground of

appeal according to Article 108 EPC, 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. Rauh

P. Krasa