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**D E C I S I O N**  
**of 20 November 2002**

**Case Number:** T 0356/02 - 3.2.7

**Application Number:** 95309445.5

**Publication Number:** 0719718

**IPC:** B65G 15/42

**Language of the proceedings:** EN

**Title of invention:**  
Toothed conveying belt

**Patentee:**  
MITSUBOSHI BELTING LTD.

**Opponent:**  
Continental AG

**Headword:**  
-

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

**Keyword:**  
"Missing statement of grounds"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0356/02 - 3.2.7

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.7  
of 20 November 2002

**Appellant:** Continental AG  
(Opponent) Vahrenwalder Str. 9  
D-30165 Hannover (DE)

**Representative:** Gehring, Friederike, Dr.  
Hagemann, Braun & Held  
Patentanwälte  
Postfach 86 03 29  
D-81630 München (DE)

**Respondent:** MITSUBOSHI BELTING LTD.  
(Proprietor of the patent) No. 1-21, 4-Chome, Hamazoe-dori  
Nagata-ku  
Kobe City  
Hyogo, pref. (JP)

**Representative:** Croston, David  
Withers & Rogers  
Goldings House  
2 Hays Lane  
London SE1 2HW (GB)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 23 January  
2002 concerning maintenance of European patent  
No. 0 719 718 in amended form.

**Composition of the Board:**

**Chairman:** A. Burkhart  
**Members:** P. A. O'Reilly  
E. Lachacinski

## **Summary of Facts and Submissions**

I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 23 January 2002 concerning maintenance of European patent No. 0 719 718 in amended form.

The appellant (opponent) filed a notice of appeal on 2 April 2002 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 16 July 2002 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. Attention was also drawn to Article 122 EPC.

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 (Rule 65(1) EPC in conjunction with Article 108 EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Spigarelli

A. Burkhart