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**D E C I S I O N**  
of 22 November 2002

**Case Number:** T 0607/02 - 3.5.2

**Application Number:** 96111994.8

**Publication Number:** 0758818

**IPC:** H03H 9/02

**Language of the proceedings:** EN

**Title of invention:**

Surface-skimming bulk wave substrate and device including same

**Patentee:**

CTS Corporation

**Opponent:**

Epcos AG

**Headword:**

-

**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 0607/02 - 3.5.2

**D E C I S I O N**  
**of the Technical Board of Appeal 3.5.2**  
**of 22 November 2002**

**Appellant:** CTS Corporation  
(Proprietor of the patent) 905 West Boulevard North  
Elkhart, IN 46514 (US)

**Representative:** Hooiveld, Arjen Jan Winfried  
Arnold & Siedsma  
Sweelinckplein 1  
NL-2517 GK Den Haag (NL)

**Respondent:** Epcos AG  
(Opponent) St.-Martin-Strasse 53  
D-81541 München (DE)

**Representative:** Epping, Wilhelm, Dipl.-Ing.  
Epping Hermann & Fischer  
Postfach 12 10 26  
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**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 18 March 2002  
revoking European patent No. 0 758 818 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** W. J. L. Wheeler  
**Members:** R. G. O'Connell  
B. J. Schachenmann

## **Summary of Facts and Submissions**

I. The appeal contests the decision of the opposition division revoking European patent No. 0 758 818. The decision was dispatched by registered letter with advice of delivery on 18 March 2002.

The patent proprietor filed a notice of appeal by letter dated 20 May 2002, received on 21 May 2002, and paid the appeal fee on 21 May 2002. 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 sent by registered letter with advice of delivery on 29 August 2002, 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. The appellant filed no observations in response to said communication.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed within the time limit provided by Article 108 EPC in conjunction with Rule 78(2) EPC, the appeal has to be rejected as inadmissible (Rule 65(1) EPC).

**Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Sauter

W. J. L. Wheeler