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**D E C I S I O N**  
**of 9 January 2003**

**Case Number:** T 0644/02 - 3.4.1

**Application Number:** 94925396.7

**Publication Number:** 0725967

**IPC:** G21C 1/00

**Language of the proceedings:** EN

**Title of invention:**

An energy amplifier for "clean" nuclear energy production driven by a particle beam accelerator

**Patentee:**

Rubbia, Carlo

**Opponent:**

FRAMATOME

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108, R. 78(2), 65(1) EPC

**Keyword:**

"The appeal has to be rejected as inadmissible Rule 65(1) EPC"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0644/02 - 3.4.1

**D E C I S I O N**  
**of the Technical Board of Appeal 3.4.1**  
**of 9 January 2003**

**Appellant:** FRAMATOME  
(Opponent) Tour FIAT  
1 Place de la Coupole  
F-92400 Courbevoie (FR)

**Representative:** Bouget, Lucien  
Cabinet Lavoix  
2, Place d'Estienne d'Orves  
F-75441 Paris Cédex 09 (FR)

**Respondent:** Rubbia, Carlo  
(Proprietor of the patent) 9, Chemin des Tulipiers  
CH-1200 Genève (CH)

**Representative:** Loisel, Bertrand  
Cabinet Plasseraud  
84, rue d'Amsterdam  
F-75440 Paris Cédex 09 (FR)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 5 April 2002  
concerning maintenance of European patent  
No. 0 725 967 in amended form.

**Composition of the Board:**

**Chairman:** G. Davies  
**Members:** M. G. L. Rognoni  
H. K. Wolfrum

## **Summary of Facts and Submissions**

I. The appeal contests the decision of the opposition division maintaining the European patent No. 0 725 967 in amended form. The decision was dispatched by registered letter with advice of delivery on 5 April 2002.

The patent proprietor filed a notice of appeal by letter dated 14 June 2002, received at the EPO the same day and also paid the appeal fee on 14 June 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 25 September 2002, 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. 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:

R. Schumacher

G. Davies