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D E C I S I O N
of 10 March 2003

Case Number: T 0711/02 - 3.2.4

Application Number: 93200107.6

Publication Number: 0555895

IPC: A01J 7/00

Language of the proceedings: EN

Title of invention:
An implement for milking animals

Patentee:
MAASLAND N.V.

Opponent:
Prolion B.V.

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1), 78(2), 83(2),(4)

Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-

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Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number: T 0711/02 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 10 March 2003

Appellant: (Opponent)
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Respondent: (Proprietor of the patent)
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Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted 25 June 2002 rejecting the opposition filed against European patent No. 0 555 895 pursuant to Article 102(2) EPC.**

Composition of the Board:

Chairman: C. A. J. Andries
Members: C. D. A. Scheibling
M. K. S. Aúz Castro

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office rejecting the opposition pursuant to Article 102(2) EPC. The decision was dispatched by registered letter with advice of delivery to each party on 25 June 2002.

The Appellant (Opponent) filed a notice of appeal on 4 July 2002 and paid the appeal fee on the same day.

II. By a communication dated 12 December 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.

III. No answer has been given to the Registry's communication.

Reasons for the Decision

1. Pursuant to Article 108 EPC, 3rd sentence a written statement setting out the grounds of appeal must be filed within four months after the date of notification of the decision.

2. The decision is deemed to have been delivered on the tenth day following its posting (Rule 78(2) EPC) which in that case was 5 July 2002 (Rule 83(2) EPC).

Thus the four months time limit expired, pursuant to Rule 83(2),(4) EPC, on 5 November 2002.

3. As no written statement setting out the grounds of appeal has been filed and as the notice of appeal contains nothing that could be regarded as a statement of grounds of appeal, 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