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D E C I S I O N
of 13 November 2003

Case Number: T 0284/03 - 3.2.4

Application Number: 95305212.3

Publication Number: 0694318

IPC: A63B 9/00

Language of the proceedings: EN

Title of invention:
Collapsible play structures

Patentee:
Patent Category Corporation

Opponent:
Bertram, Rainer

Headword:
-

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

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0284/03 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 13 November 2003

Appellant: Bertram, Rainer
(Opponent) Maximilianstr. 58
D-80538 München (DE)

Representative: Hilgers, Hans Hubert
Patentanwälte
Grünecker, Kinkeldey
Stockmair & Partner
Maximilianstrasse 58
D-80538 München (DE)

Respondent: Patent Category Corporation
(Proprietor of the patent) 1823 Enterprise Way
Monrovia
CA 91016-2888 (US)

Representative: Wallinger, Michael, Dr.-Ing.
Wallinger & Partner
Patentanwälte
Zweibrückenstrasse 2
D-80331 München (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 19 December 2002
rejecting the opposition filed against European
patent No. 0694318 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: C. A. J. Andries
Members: M. G. Hatherly
M. B. Tardo-Dino

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 19 December 2002.

The Appellant (Opponent) filed a notice of appeal on 28 February 2003 and paid the appeal fee on the same day.

No statement setting out the grounds of appeal was filed.

II. By a communication dated 3 June 2003 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

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

C. Andries