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D E C I S I O N
of 15 April 2004

Case Number: T 0414/03 - 3.2.7

Application Number: 97942904.0

Publication Number: 0925240

IPC: B65D 88/52

Language of the proceedings: EN

Title of invention:

A machine for spreading granular materials, particularly fertilizers

Patentee:

Agrex S.p.A.

Opponent:

Amazonen-Werke H. Dreyer GmbH & Co. KG

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0414/03 - 3.2.7

D E C I S I O N
of the Technical Board of Appeal 3.2.7
of 15 April 2004

Appellant: Amazonen-Werke
(Opponent) H. Dryer GmbH & Co. KG
Am Amazonenwerk 9-13
D-49205 Hasbergen (DE)

Representative: -

Respondent: Agrex S.p.A.
(Proprietor of the patent) Via Umberto I, 51
I-35010 Curtarolo (IT)

Representative: Cantaluppi, Stefano
Cantaluppi & Partners S.r.l.
Via Matteotti 26
I-35137 Padova (IT)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
14 February 2003 concerning maintenance of
European patent No. 0925240 in amended form.

Composition of the Board:

Chairman: A. Burkhart
Members: P. A. O'Reilly
C. Holtz

Summary of Facts and Submissions

I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 14 February 2003 concerning maintenance of European Patent No. 0 925 240 in amended form.

The appellant (opponent) filed a notice of appeal on 10 April 2003 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 7 August 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. 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. Magliano

A. Burkhardt