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**D E C I S I O N**  
**of 20 October 2004**

**Case Number:** T 0217/04 - 3.2.7

**Application Number:** 97300414.6

**Publication Number:** 0808913

**IPC:** C23C 4/00

**Language of the proceedings:** EN

**Title of invention:**

Method for repairing a thermal barrier coating

**Patentee:**

GENERAL ELECTRIC COMPANY

**Opponent:**

ALSTOM (Switzerland) Ltd.

**Headword:**

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**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 0217/04 - 3.2.7

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.7  
of 20 October 2004

**Appellant:**  
(Opponent)

ALSTOM (Switzerland) Ltd  
CHSP Intellectual Property  
Brown Boveri Strasse 7/699/5  
CH-5401 Baden (CH)

**Representative:**

-

**Respondent:**  
(Proprietor of the patent)

GENERAL ELECTRIC COMPANY  
1 River Road  
Schenectady, NY 12345 (US)

**Representative:**

Pedder, James Cuthbert  
London Patent Operation  
General Electric International, Inc.  
15 John Adam Street  
London WC2N 6LU (GB)

**Decision under appeal:**

**Decision of the Opposition Division of the  
European Patent Office posted 28 November 2003  
rejecting the opposition filed against European  
patent No. 0808913 pursuant to Article 102(2)  
EPC.**

**Composition of the Board:**

**Chairman:** A. Burkhardt  
**Members:** H. E. Hahn  
C. Holtz

## **Summary of Facts and Submissions**

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 28 November 2003, rejecting the opposition filed against European patent No. 0 808 913 pursuant to Article 102(2) EPC

The appellant (opponent) filed a notice of appeal on 5 February 2004 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 10 May 2004 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:

G. Nachtigall

A. Burkhart