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**D E C I S I O N**  
**of 18 August 2004**

**Case Number:** T 0497/04 - 3.2.6

**Application Number:** 99306157.1

**Publication Number:** 0979699

**IPC:** B23B 27/14

**Language of the proceedings:** EN

**Title of invention:**

Polycrystalline diamond compact insert with improved cutting  
by preventing chip build up

**Applicant:**

Diamond Innovations, Inc.

**Opponent:**

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**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108

**Keyword:**

"Missing statement of grounds - inadmissible appeal"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0497/04 - 3.2.6

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.6  
of 18 August 2004

**Appellant:** Diamond Innovations, Inc.  
6325 Huntley Road  
Worthington, Ohio, 46085 (US)

**Representative:** Ouzman, Beverley Nicola Claire  
Murgitroyd & Company  
Scotland House  
165-169 Scotland Street  
Glasgow G5 8PL (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 7 November 2003  
refusing European application No. 99306157.1  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** P. Alting van Geusau  
**Members:** H. Meinders  
M. J. Vogel

## Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office posted on 7 November 2003 refusing European patent application No. 99 306 157.1.

The Appellant (applicant) filed a notice of appeal by fax received on 6 April 2004 and paid the appeal fee on the same date. In the notice of appeal it was indicated that a written statement of grounds would be filed within the given term; no such statement was, however, received. The notice of appeal contains nothing that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC.

- II. By a communication dated 7 May 2004, sent that same day 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 any observations within two months. By fax received on 28 May 2004 the Appellant confirmed that this communication was received on 18 May 2004.

In this communication attention was drawn to Article 122 EPC.

- III. To this communication no reply has been received.

**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:

M. Patin

P. Alting van Geusau