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D E C I S I O N
of 21 December 2004

Case Number: T 0508/04 - 3.2.2

Application Number: 95610027.5

Publication Number: 0683241

IPC: C22C 38/44

Language of the proceedings: EN

Title of invention:
Duplex stainless steel with high corrision resistance

Patentee:
Park, Yong Soo

Opponent:
Sandvik AB
Edelstahl Witten Krefeld GmbH

Headword:
-

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

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-

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Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number: T 0508/04 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 21 December 2004

Appellant: (Proprietor of the patent)
Park, Yong Soo
Joongang Heigths Villa 532
1000-3, Banbae-Dong
Seocho-ku
Seoul (KR)

Representative:
Plougmann & Vingtoft A/S
Sundkrogsgade 9
P. O. Box 831
DK-2100 Copenhagen 0 (DK)

Respondents:
(Opponent)
Sandvik AB
S-811 81 Sandviken (SE)

Representative:
Taquist, Lennart
Sandvik AB
Patent Department
S-811 81 Sandviken (SE)

(Opponent)
Edelstahl Witten Krefeld GmbH
Auenstr. 4
D-58452 Witten (DE)

Representative:
Simons, Johannes, Dipl.-Ing.
COHAUSZ & FLORACK
Patent- und Rechtsanwälte
Postfach 10 18 30
D-40009 Düsseldorf (DE)

Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted 6 February 2004 revoking European patent No. 0683241 pursuant to Article 102(1) EPC.**

Composition of the Board:

Chairman: T. K. H. Kriner
Members: R. Ries
E. J. Dufrasne

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division posted on 6 February 2004 concerning the revoking of the European patent No. 0 683 241, granted in respect of the European patent application No. 95 610 027.5.

II. The appellant (patent proprietor) filed a notice of appeal on 16 April 2004. The payment of the appeal fee was recorded 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.

III. By a communication dated 21 July 2004, sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no statement of grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observation within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

IV. No answer has been given within the given time limit 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 according to Article 108 EPC last sentence 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:

V. Commare T. Kriner