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D E C I S I O N
of 5 April 2005

Case Number: T 0744/04 - 3.2.1

Application Number: 96916533.1

Publication Number: 0830267

IPC: B60R 1/08

Language of the proceedings: EN

Title of invention:

Rearview vision system for vehicle including panoramic view

Patentee:

DONELLY CORPORATION

Opponent:

Matsushita Communication Industrial Co., Ltd.

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1), 84a

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0744/04 - 3.2.1

D E C I S I O N
of the Technical Board of Appeal 3.2.1
of 5 April 2005

Appellant: DONELLY CORPORATION
(Proprietor of the patent) 414 East Fortieth Street
Holland,
Michigan 49423 (US)

Representative: Coyle, Philip Aidan
F. R. KELLY & CO.
27 Clyde Road
Ballsbridge,
Dublin 4 (IE)

Respondent: Matsushita Communication Industrial Co., Ltd.
(Opponent) 3-1, Tsunashima-higashi 4-chome
Kohoku-ku
Yokohama 223-8639 (JP)

Representative: Meister, Wolfhard, Dipl.-Ing.
Patentanwälte
Grünecker, Kinkeldey,
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
7 April 2004 concerning maintenance of European
patent No. 0830267 in amended form.

Composition of the Board:

Chairman: S. Crane
Members: J. Osborne
A. Pignatelli

Summary of Facts and Submissions

- I. The appeal is directed against the decision posted 7 April 2004 according to which it was found that, account being taken of amendments made by the patent proprietor during the opposition proceedings, the European patent No. 0 830 267 and the invention to which it relates meet the requirements of the EPC.
- II. The appellant (patent proprietor) filed a notice of appeal on 4 June 2004, paid the fee for appeal on the same day and stated that a statement setting out the grounds of appeal would be filed in due course. No statement of grounds was filed within the time limit provided by Article 108 EPC in conjunction with Rule 78(2) EPC.
- III. By a communication dated 23 September 2004, sent by registered post with acknowledgement of receipt, the Registry of the Board informed the appellant that it appeared that no written statement of grounds of appeal had been filed and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months.
- IV. No observations were received in response to said communication either within the set time limit or within the three months after expiry of the time limit provided by Rule 84a EPC.

Reasons for the Decision

No written statement setting out the grounds of appeal has been filed. Furthermore, the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC. The appeal therefore has to be rejected as inadmissible (Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

A. Vottner

S. Crane