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**D E C I S I O N**  
**of 2 February 2005**

**Case Number:** T 1118/04 - 3.2.2

**Application Number:** 97947442.6

**Publication Number:** 0946768

**IPC:** C22B 9/16

**Language of the proceedings:** EN

**Title of invention:**

Molten metal pump and method of using

**Applicant:**

Premelt Pump, Inc.

**Opponent:**

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**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 1118/04 - 3.2.2

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.2**  
**of 2 February 2005**

**Appellant:** Premelt Pump, Inc.  
2205 Miller Road  
Kalamazoo, MI 49001 (US)

**Representative:** Marsden, John Christopher  
Frank B. Dehn & Co.,  
European Patent Attorneys  
179 Queen Victoria Street  
London EC4V 4EL (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 7 April 2004  
refusing European application No. 97947442.6  
pursuant to Article 97(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 Examining Division of the European Patent Office dispatched by registered letter with advice of delivery to the Applicant on 7 April 2004, and concerning the refusal of the European patent application No. 97 947 442.3.

The Appellant filed a Notice of Appeal by a letter received on 24 June 2004 and paid the appeal fee on the same day. No statement setting out the grounds of appeal was filed. 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 27 October 2004, sent by registered post, the Registrar of the Board informed the Appellant that no statement setting out the grounds of appeal had been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

III. 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 (Article 108 EPC 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