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D E C I S I O N
of 6 July 2005

Case Number: T 1391/04 - 3.5.3

Application Number: 99951327.8

Publication Number: 1114331

IPC: G01S 7/481

Language of the proceedings: EN

Title of invention:
Electronic Distance Measuring Device

Applicant:
Spectra Precision AB

Opponent:
-

Headword:
Electronic Distance Measuring Device/SPECTRA PRECISION

Relevant legal provisions:
EPC Art. 108

Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-



Case Number: T 1391/04 - 3.5.3

D E C I S I O N
of the Technical Board of Appeal 3.5.3
of 6 July 2005

Appellant: Spectra Precision AB
Box 64
S-182 11 Danderyd (SE)

Representative: Herbjörnsen, Rut
Albihns Stockholm AB
P.O. Box 5581
S-114 85 Stockholm (SE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 9 June 2004
refusing European application No. 99951327.8
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. S. Clelland
Members: A. J. Madenach
R. Moufang

Summary of Facts and Submissions

I. The appeal lies from the decision of the examining division of the European Patent Office dated 9 June 2004 refusing the European patent application 99 951 327.8. The decision was dispatched by registered letter with advice of delivery to the applicant on the day it was given.

II. The appellant (applicant) filed a notice of appeal by a letter received on 17 June 2004. The payment of the appeal fee was recorded on the same day.

No statement of grounds was filed.

III. By a communication dated 16 December 2004, sent by registered post 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.

IV. With facsimile of 20 June 2005 the appellant confirmed that he had not filed and did not intend to file a written statement of grounds.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed within the time limit provided by Article 108 EPC in conjunction with Rule 78(2) EPC and the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC, the appeal 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:

D. Magliano

A. S. Clelland