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**D E C I S I O N**  
of 3. November 2005

**Case Number:** T 0334/05 - 3.2.5

**Application Number:** 98107939.5

**Publication Number:** 0875474

**IPC:** B65H 3/00

**Language of the proceedings:** EN

**Title of invention:**  
Sheet separator friction pad

**Patentee:**  
Lexmark International Inc.

**Opponent:**  
Canon Inc.

**Headword:**  
-

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

**Keyword:**  
"Missing statement of grounds"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0334/05 - 3.2.5

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.5**  
**of 3. November 2005**

**Appellant:** Canon Inc.  
(Opponent) Corporate Intellectual Property and Legal  
Headquarters  
30 - 2, Shimomaruko 3 - chome, Ohta-ku  
Tokyo 146 (JP)

**Representative:** Klingele, Stefan  
Tiedtke-Bühling-Kinne & Partner  
Patentanwälte Bavariaring 4  
D-80336 München (DE)

**Respondent:** Lexmark International, Inc.  
(Proprietor of the patent) 740 New Circle Road NW Lexington  
Kentucky 40550 (US)

**Representative:** Dr. Weitzel & Partner  
Friedenstraße 10  
D-89522 Heidenheim (DE)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
19 November 2004 concerning maintenance of  
European patent No. 0875474 in amended form.

**Composition of the Board:**

**Chairman:** W. Moser  
**Members:** P. E. Michel  
W. Widmeier

## **Summary of Facts and Submissions**

I. The appeal is against the decision of the Opposition Division of the European Patent Office concerning maintenance of European patent No. 0 875 474 in amended form. The decision was sent to the appellant (opponent) on 29 November 2004.

The appellant filed a notice of appeal on 9 February 2005 and paid the appeal fee at the same time.

No statement setting out the grounds of appeal was filed. In addition, the notice of appeal contains nothing that could be regarded as a statement within the meaning of Article 108 EPC, third sentence.

II. By a communication sent by registered letter with advice of delivery on 20 May 2005, and received by the appellant on 23 May 2005, the Registry 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 invited to file observations within two months. The attention of the appellant was also drawn to Rule 84a EPC and to Article 122 EPC.

III. No answer has been given 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:

M. Dainese

W. Moser