

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

D E C I S I O N
of 13 January 2006

Case Number: T 0355/05 - 3.2.05

Application Number: 98203120.5

Publication Number: 0908305

IPC: B41C 1/10

Language of the proceedings: EN

Title of invention:

A method for making positive working printing plates from a heat mode sensitive imaging element

Patentee:

AGFA - GEVAERT

Opponent:

KODAK POLYCHROME GRAPHICS LLC

Headword:

Method for making/AGFA

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0355/05 - 3.2.05

D E C I S I O N
of the Technical Board of Appeal 3.2.05
of 13 January 2006

Appellant: KODAK POLYCHROME GRAPHICS LLC
(Opponent) 401 Merritt 7
Norwalk CT 06851 (US)

Representative: Vossius & Partner
Siebertstrasse 4
D-81675 München (DE)

Respondent: AGFA-GEVAERT
(Proprietor of the patent) Septestraat 27
BE-2640 Mortsel (BE)

Representative: -

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
11 January 2005 concerning maintenance of the
European patent No. 0908305 in amended form.

Composition of the Board:

Chairman: W. Moser
Members: W. R. Zellhuber
H. M. Schram

Summary of Facts and Submissions

- I. The appeal is against the decision of the Opposition Division of the European Patent Office posted 11 January 2005, maintaining the European patent No. 0908305 in amended form.

The appellant (opponent) filed a notice of appeal on 21 March 2005 and paid the appeal fee at the same time.

However, no statement setting out the grounds of appeal pursuant to Article 108 EPC, third sentence, has been filed. In addition, the notice of appeal contains nothing that could be regarded as a statement within the meaning of this provision.

- II. By a communication sent by registered letter with advice of delivery on 15 June 2005, and received by the appellant on 16 June 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 (Rule 65(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

S. Sanchez Chiquero

W. Moser