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**D E C I S I O N**  
**of 31 January 2006**

**Case Number:** T 0628/05 - 3.2.02

**Application Number:** 97902627.5

**Publication Number:** 0822266

**IPC:** C22C 38/00

**Language of the proceedings:** EN

**Title of invention:**

Steel sheet for two-piece battery can excellent in moldability,  
secondary work embrittlement resistance, and corrosion  
resistance

**Patentee:**

NKK CORPORATION

**Opponent:**

Hille & Müller

**Headword:**

**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing Statement of Grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0628/05 - 3.2.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.02  
of 31 January 2006

**Appellant:**  
(Opponent)

Hille & Müller GmbH & Co.  
Am Tippelsberg 48  
D-40589 Düsseldorf (DE)

**Representative:**

Kruit, Jan  
Corus Technology BV  
Corus Intellectual Property Department  
PO Box 10000  
NL-1970 CA IJmuiden (NL)

**Respondent:**  
(Proprietor of the patent)

NKK CORPORATION  
1-2, Marunouchi 1-chome  
Chiyoda-ku  
Tokyo 100-0005 (JP)

**Representative:**

Heusler, Wolfgang  
v. Bezold & Sozien  
Patentanwälte  
Akademiestrasse 7  
D-80799 München (DE)

**Decision under appeal:**

Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
14 March 2005 concerning maintenance of  
European patent No. 0822266 in amended form.

**Composition of the Board:**

**Chairman:** T. K. H. Kriner  
**Members:** R. Ries  
E. Dufrasne

## **Summary of Facts and Submissions**

- I. The appeal is from the interlocutory decision of the Opposition Division posted on 14 March 2005 concerning the maintenance in amended form of European patent No. 0 822 266, granted in respect of European patent application No. 97 902 627.5.
- II. The appellant (opponent) filed a notice of appeal on 13 May 2005. The payment of the appeal fee was recorded on 13 May 2005. No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPO.
- III. By a communication dated 31 August 2005 sent by registered letter 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. The Appellant was invited to file observations within two months and attention was drawn to Article 122 EPC (re-establishment of rights).

## **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