

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 24 March 2006

Case Number: T 1288/05 - 3.2.06

Application Number: 98119776.7

Publication Number: 0913513

IPC: D06F 39/02

Language of the proceedings: EN

Title of invention:

Device for housing washing agents in a washing machine with
built-in air break

Patentee:

T&P - S.p.A.

Opponent:

BSH Bosch und Siemens Hausgeräte GmbH

Headword:

Grounds of appeal filed out of time

Relevant legal provisions:

EPC Art. 108, 122

EPC R. 65(1)

Keyword:

-

Decisions cited:

-

Catchword:

-



Case Number: T 1288/05 - 3.2.06

D E C I S I O N
of the Technical Board of Appeal 3.2.06
of 24 March 2006

Appellant: BSH Bosch und Siemens Hausgeräte GmbH
(Opponent) Carl-Wery-Strasse 34
D-81739 München (DE)

Representative: -

Respondent: T&P - S.p.A.
(Proprietor of the patent) Via Beccaria 1
I-21049 Tradate (Varese) (IT)

Representative: Strobel, Wolfgang
Kroher . Strobel
Rechts- und Patentanwälte
Bavariaring 20
D-80336 München (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 29 July 2005
rejecting the opposition filed against European
patent No. 0913513 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: P. Alting van Geusau
Members: G. Pricolo
K. Garnett

Summary of Facts and Submissions

- I. This matter concerns an appeal against the decision of the Opposition Division posted on 29 July 2005, rejecting the opposition of the European Patent No. 0 913 513.

The Appellant (Opponent) filed a notice of appeal on 4 October 2005 and paid the fee for appeal on the same day. The statement of grounds of appeal was received at the EPO on 9 December 2005.

- II. In a communication dated 16 December 2005 sent by registered letter with advice of delivery indicating reception by the Appellant on 19 December 2005, the Registry of the Board informed the Appellant that the statement of grounds had been filed out of time and that the appeal could be expected to be rejected as inadmissible.

The Board's Registry informed the Appellant of the possibility of filing a request for re-establishment of rights under Article 122 EPC and the Appellant was invited to file observations within two months.

- III. No answer was received within the given time limit to the Registry's communication.

Reasons for the Decision

As the written statement setting out the grounds of appeal was filed on 9 December 2005, whereas the time limit expired on Thursday 8 December 2005, it was filed out of time. Therefore, 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:

C. Eickhoff

P. Alting van Geusau