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**Datasheet for the decision
of 16 August 2006**

Case Number: T 0088/06 - 3.3.05

Application Number: 98938807.9

Publication Number: 1019339

IPC: C04B 35/83

Language of the proceedings: EN

Title of invention:

Carbon-carbon fibre composite materials

Patentee:

SURFACE TRANSFORMS LTD

Opponent:

SGL Carbon AG

Headword:

Carbon fibre/SURFACE TRANSFORMS

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds of appeal"

"Appeal inadmissible: yes"

Decisions cited:

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Catchword:

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Case Number: T 0088/06 - 3.3.05

D E C I S I O N
of the Technical Board of Appeal 3.3.05
of 16 August 2006

Appellant: SURFACE TRANSFORMS LTD
(Patent Proprietor) April House, Tarvin Road
Frodsham, Cheshire WA6 6XN (GB)

Representative: Marsden, John Christopher
Frank B. Dehn & Co.
St Bride's House
10 Salisbury Square
London EC4Y 8JD (GB)

Respondent: SGL CARBON AG
(Opponent) Rheingaustrasse 182
D-65203 Wiesbaden (DE)

Representative: Deckers, Hellmuth Alexander
European Patent Attorney
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D-55218 Ingelheim (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted
10 November 2005 revoking European Patent
No. 1019339 pursuant to Article 102(1) EPC.

Composition of the Board:

Chairman: M. Eberhard
Members: B. Czech
S. Hoffmann

Summary of Facts and Submissions

- I. The appeal is from the decision of the opposition division dated 10 November 2005 revoking the European patent No. 1 019 339. The appellant (proprietor of the patent) filed on 19 January 2006 a notice of appeal against the said decision. The appeal fee was paid on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 26 April 2006 sent by registered letter with advice of delivery, the appellant was informed that since no statement of grounds had been filed it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months. The appellant did not reply to this communication within the set time limit. Following an inquiry of the registrar of the board by telephone, the representative of the appellant confirmed in its telecopy of 7 August 2006, that the appellant *"has decided not to proceed further with this appeal and so has not and will not file a statement of grounds of appeal"* and *"that the appeal may be dismissed as inadmissible"*.

Reasons for the Decision

As it appears from the telecopy of 7 August 2006, the appellant has chosen not to file a written statement setting out the grounds of appeal according to Article 108 EPC. The appeal has therefore 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. Vodz

M. Eberhard