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**Datasheet for the decision
of 14 November 2006**

Case Number: T 0208/06 - 3.2.03

Application Number: 99957350.4

Publication Number: 1156164

IPC: E02F 9/28

Language of the proceedings: EN

Title of invention:

Improvements to anchoring and retention elements intended to machines used in public works and similar

Patentee:

METALOGENIA, S.A.

Opponent:

ESCO Corporation

Headword:

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Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statements of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0208/06 - 3.2.03

D E C I S I O N
of the Technical Board of Appeal 3.2.03
of 14 November 2006

Appellant: ESCO Corporation
(Opponent) P.O. Box 8739
Portland, OR 97208 (US)

Representative: Chettle, Adrian John
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Respondent: METALOGENIA, S.A.
(Patent Proprietor) Paseo San Juan Bautista de la Salle, 40
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Representative: Zimmermann, Tankred Klaus
Schoppe, Zimmermann
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Patentanwälte
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
9 December 2005 concerning maintenance of
European patent No. 1156164 in amended form.

Composition of the Board:

Chairman: U. Krause
Members: E. Frank
K. Garnett

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 19 October 2005 concerning maintenance of the European patent No. 1 156 164 in amended form. The decision was dispatched by registered letter with advice of delivery to the Appellant 9 December 2005. The Appellant filed a notice of appeal by a letter received on 8 February 2006 and paid the fee for appeal on the same day. 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 EPC.

- II. By a communication dated 24 May 2006 sent by registered post, the Registrar 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.

- 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:

A. Counillon

U. Krause