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**Datasheet for the decision
of 26 October 2006**

Case Number: T 0629/06 - 3.4.02

Application Number: 00109431.7

Publication Number: 1152280

IPC: G02C 9/00

Language of the proceedings: EN

Title of invention:

Single magnetic arrangement for attaching secondary eyeglasses to a pair of primary eyeglasses

Applicant:

Wong, Ping-Cheuk

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

"Implicit withdrawal of request for oral proceedings"

Decisions cited:

T 0655/06

Catchword:

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Case Number: T 0629/06 - 3.4.02

D E C I S I O N
of the Technical Board of Appeal 3.4.02
of 26 October 2006

Appellant:

Wong, Ping-Cheuk
RM. 1201, 12/f
Chevalier Commercial Centre
8 Wang Hoi Road
Kowloon Bay
Kowloon, Hong Kong (CN)

Representative:

Winkler, Andreas Fritz Ernst
FORRESTER & BOEHMERT
Pettenkoferstraße 20-22
D-80336 München (DE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 18 November 2005
refusing European application No. 00109431.7
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. G. Klein
Members: F. J. Narganes-Quijano
M. J. Vogel

Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division dated 18 November 2005 refusing European patent application No. 00109431.7.

The appellant (applicant) filed a notice of appeal on 20 January 2006 and paid the appeal fee on the same day. The appellant requested setting aside of the decision under appeal and the grant of a patent and, on an auxiliary basis, oral proceedings.

No statement of grounds of appeal was filed within the time limit prescribed by Article 108 EPC.

- II. By a communication dated 8 June 2006 sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no written statement of grounds of appeal had been filed and that the appeal was expected to be rejected as inadmissible. The appellant was invited to file observations within two months and attention was drawn to Article 122 EPC.

The appellant filed no observations in response to said communication.

In reply to a telephone call from the Registrar of the Board, the appellant announced by letter dated 18 October 2006 that "no representative will attend to any oral hearing which might be summoned in the future" and stated that "a decision is expected that the appeal will be rejected as inadmissible".

Reasons for the Decision

1. In the notice of appeal the appellant requested oral proceedings on an auxiliary basis. However, the representative of the appellant has informed the Board that no representative will attend any oral proceedings that the Board may appoint and that he expected that the appeal will be rejected as inadmissible. Accordingly, at least as far as the issue of the admissibility of the appeal is concerned, the auxiliary request for oral proceedings has to be considered as implicitly withdrawn, see in this respect decision T 655/06.

2. Whilst the notice of appeal was filed within the time limit set out in Article 108 EPC and the appeal fee was also paid within that time limit, no written statement setting out the grounds of appeal has been filed within the time limit prescribed by Article 108 EPC. In addition, the notice of appeal contains nothing that could be regarded as a statement of grounds within the meaning of Article 108 EPC. For these reasons, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC) according to the expectations expressed by the appellant in its letter dated 18 October 2006.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

A. G. Klein