

Internal distribution code:

- (A) [] Publication in OJ
(B) [] To Chairmen and Members
(C) [] To Chairmen
(D) [X] No distribution

**Datasheet for the decision
of 16 October 2007**

Case Number: T 0013/07 - 3.4.02

Application Number: 98934339.7

Publication Number: 1031024

IPC: G01N 21/39

Language of the proceedings: EN

Title of invention:

Method and apparatus for off-gas composition sensing

Patentee:

American Iron Steel Institute

Opponent:

L'AIR LIQUIDE, SOCIÉTÉ ANONYME POUR L'ÉTUDE ET L'EXPLOITATION
DES PROCÉDÉS GEORGES CLAUDE

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

-

Decisions cited:

-

Catchword:

-



Case Number: T 0013/07 - 3.4.02

DECISION
of the Technical Board of Appeal 3.4.02
of 16 October 2007

Appellant:
(Opponent)
L'AIR LIQUIDE, SOCIÉTÉ ANONYME POUR L'ÉTUDE ET
L'EXPLOITATION DES PROCÉDÉS GEORGES CLAUDE
75, Quai d'Orsay
F-75321 Paris Cédex 07 (FR)

Representative:
Vesin, Jacques
L'Air Liquide,
Service Propriété Intellectuelle,
75 Quai d'Orsay
F-75321 Paris Cédex 07 (FR)

Respondent:
(Patent Proprietor)
American Iron and Steel Institute
Suite 1300, 1101 17th Street
Washington, DC 20036 (US)

Representative:
Shanks, Andrew
Marks & Clerk Scotland
19 Royal Exchange Square
Glasgow G1 3AE (GB)

Decision under appeal:
Decision of the Opposition Division of the
European Patent Office posted 23 October 2006
rejecting the opposition filed against European
Patent No. 1031024 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: A. Klein
Members: M. Stock
C. Rennie-Smith

Summary of Facts and Submissions

I. The appellant contests the decision of the opposition division of the European Patent Office dated 23 October 2006 rejecting the opposition against European patent No. 1031024.

The appellant filed a notice of appeal on 22 December 2006 and paid the appeal fee on the same day.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for the Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

II. In a communication dated 5 April 2007, the Board informed the parties that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. The appellant filed no observations in response to said communication.

Reasons for Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in the Article 108 EPC, the appeal is inadmissible pursuant to Rule 65(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

M. Kiehl

A. Klein