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**Datasheet for the decision
of 8 December 2008**

Case Number: T 0542/07 - 3.4.01

Application Number: 97911696.9

Publication Number: 0934684

IPC: H05H 1/38

Language of the proceedings: EN

Title of invention:

Apparatus and method for improved assembly concentricity in a plasma arc torch

Patentee:

HYPERTHERM, INC.

Opponent:

L'AIR LIQUIDE, S.A.

Headword:

-

Relevant legal provisions (EPC 1973):

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0542/07 - 3.4.01

D E C I S I O N
of the Technical Board of Appeal 3.4.01
of 8 December 2008

Appellant: HYPERTHERM, INC.
(Patent Proprietor) P.O. Box 5010
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Representative: Lawrence, John
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138 Hagley Road
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Respondent: L'AIR LIQUIDE, S.A. à directoire et conseil de
(Opponent) surveillance pour l'étude et l'exploitation
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Representative: Pittis, Olivier
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
30 January 2007 concerning maintenance of
European patent No. 0934684 in amended form.

Composition of the Board:

Chairman: B. Schachenmann
Members: F. Neumann
H. Wolfrum

Summary of Facts and Submissions

- I. The appellant contests the interlocutory decision of the opposition division dated 30 January 2007 concerning maintenance of the European patent No. 0 934 684 in amended form.
- II. The appellant filed a notice of appeal received on 29 March 2007 and paid the appeal fee on the same day.
- III. No statement of grounds of appeal was filed within the four-month time limit provided for in Article 108 EPC 1973.
- IV. In a communication dated 17 July 2007 sent by registered letter with advice of delivery, the board informed the appellant that no statement of grounds of appeal had been received and that the appeal would be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

Reasons for the Decision

As no written statement of grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108 EPC 1973, the appeal has to be rejected as inadmissible (Article 108 EPC 1973 in conjunction with Rule 65(1) EPC 1973).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

R. Schumacher

B. Schachenmann