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**Datasheet for the decision
of 15 February 2008**

Case Number: T 0845/07 - 3.2.05

Application Number: 99850050.8

Publication Number: 0950508

IPC: B31F 1/28

Language of the proceedings: EN

Title of invention:

Corrugator machine with corrugator belt coated with a polymeric resin material

Patentee:

ALBANY INTERNATIONAL CORP.

Opponent:

Mühlen Sohn GmbH & Co.

Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0845/07 - 3.2.05

D E C I S I O N
of the Technical Board of Appeal 3.2.05
of 15 February 2008

Appellant: ALBANY INTERNATIONAL CORP.
(Patent Proprietor) 1373 Broadway
Albany, New York 12204 (US)

Representative: Bardo, Julian Eason
Abel & Imray
20 Red Lion Street
London WC1R 4PQ (GB)

Respondent: Mühlen Sohn GmbH & Co.
(Opponent) Lindenstrasse 16/1
D-89134 Blaustein (DE)

Representative: Wasmuth, Rolf
Patentanwalt W. Jackisch & Partner
Menzelstrasse 40
D-70192 Stuttgart (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 14 March 2007
revoking European patent No. 0950508 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: W. Zellhuber
Members: H. Schram
M. J. Vogel

Summary of Facts and Submissions

I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 14 March 2007 revoking the European patent No. 0950508 pursuant to Article 102(1) EPC 1973.

II. The appellant (patent proprietor) filed a notice of appeal on 18 May 2007 and paid the fee for appeal on the same date.

No statement setting out the grounds of appeal was filed. In addition, the notice of appeal contains nothing that could be regarded as a statement within the meaning of Article 108 EPC, third sentence.

III. By a communication sent by registered post with advice of delivery on 3 September 2007 and received by the appellant on 6 September 2007, the Registry of the Board informed the appellant that no statement setting out the grounds of appeal 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. The attention of the appellant was also drawn to Rule 84a EPC 1973 and to Article 122 EPC 1973.

IV. 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 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Meyfarth

W. Zellhuber