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**Datasheet for the decision
of 12 December 2007**

Case Number: T 0962/07 - 3.2.06

Application Number: 98921712.0

Publication Number: 0984841

IPC: B23B 51/00

Language of the proceedings: EN

Title of invention:

A cutting tool assembly and a replaceable cutting head for use therein

Patentee:

Iscar Ltd.

Opponent:

Kennametal Inc.

Headword:

Inadmissibility of the appeal

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing grounds"

Decisions cited:

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Catchword:

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Case Number: T 0962/07 - 3.2.06

D E C I S I O N
of the Technical Board of Appeal 3.2.06
of 12 December 2007

Appellant: Iscar Ltd.
(Patent Proprietor) P.O. Box 11
24959 Tefen (IL)

Representative: Vossius & Partner
Siebertstraße 4
D-81675 München (DE)

Respondent: Kennametal Inc.
(Opponent) 1600 Technology Way
P.O. Box 231
Latrobe, PA 15650-0231 (US)

Representative: Tergau & Pohl Patentanwälte
Mögeldorf Hauptstraße 51
D-90482 Nürnberg (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted
2 April 2007 concerning maintenance of European
patent No. 0984841 in amended form.**

Composition of the Board:

Chairman: P. Alting Van Geusau
Members: M. Harrison
W. Sekretaruk

Summary of Facts and Submissions

- I. This matter concerns an appeal against the interlocutory decision of the Opposition Division posted on 2 April 2007, concerning the maintenance of European patent No. 0 984 841 in amended form.
- II. The appellant (proprietor) filed a notice of appeal on 11 June 2007 and paid the fee for appeal on the same date. 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.
- III. By a communication dated 24 September 2007, sent by registered letter with advice of delivery and received on 25 September 2007, the Registry 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 and attention was drawn to Article 122 EPC (re-establishment of rights).
- IV. No response was made 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:

M. Patin

P. Alting Van Geusau