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**Datasheet for the decision  
of 11 December 2007**

**Case Number:** T 0976/07 - 3.4.02

**Application Number:** 02011502.8

**Publication Number:** 1241511

**IPC:** G02C 7/02

**Language of the proceedings:** EN

**Title of invention:**

Decentered noncorrective lens for eyewear

**Applicant:**

OAKLEY, INC.

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0976/07 - 3.4.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.02  
of 11 December 2007

**Appellant:** OAKLEY, INC.  
One Icon  
Foothill Ranch  
California 92610 (US)

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

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 8 December 2006  
refusing European application No. 02011502.8  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** A. G. Klein  
**Members:** F. J. Narganes-Quijano  
B. Müller

## **Summary of Facts and Submissions**

- I. The appeal is against the decision of the examining division dated 8 December 2006 refusing European patent application No. 02011502.8.

The appellant (applicant) filed a notice of appeal on 16 February 2007 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 21 June 2007 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.

By letter dated 30 November 2007, the appellant withdrew its request for oral proceedings.

## **Reasons for the Decision**

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.

In reply to the Registry's communication dated 21 June 2007, the appellant expressly withdrew its previous request for oral proceedings and made no comment on the issue of the admissibility of the appeal.

In view of the above considerations, 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. Kiehl

A. G. Klein