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**Datasheet for the decision
of 23 July 2008**

Case Number: T 1393/07 - 3.2.01

Application Number: 99106316.5

Publication Number: 0950553

IPC: B60J 5/04

Language of the proceedings: EN

Title of invention:
Door beam of aluminium alloy

Patentee:
KABUSHIKI KAISHA KOBE SEIKO SHO

Opponent:
Alcan Technology & Management AG

Headword:

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Relevant legal provisions:

-

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 1393/07 - 3.2.01

D E C I S I O N
of the Technical Board of Appeal 3.2.01
of 23 July 2008

Appellant: Alcan Technology & Management AG
(Opponent) Badische Bahnhofstraße 16
CH-8212 Neuhausen am Rheinfall (CH)

Representative: Nüsse, Stephan
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Respondent: KABUSHIKI KAISHA KOBE SEIKO SHO
(Patent Proprietor) 3-18 Wakinohama-cho, 1-Chome, Chuo-ku
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Hyogo-ken 651-0072 (JP)

Representative: Müller-Boré & Partner
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 29 June 2007
rejecting the opposition filed against European
patent No. 0950553 pursuant to Article 102(2)
EPC 1973.

Composition of the Board:

Chairman: S. Crane
Members: J. Osborne
T. Karamanli

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the opposition division posted 29 June 2007 rejecting the opposition filed against European patent No. 0 950 553.

The appellant (opponent) filed a notice of appeal on 20 August 2008 and paid the fee for appeal on the same day.

- II. By a communication dated 21 December 2007, sent by registered post with advice of delivery, the registry of the board informed the appellant that it appeared that no written statement of grounds of appeal had been filed and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months.
- III. No observations were received in response to said communication.

Reasons for the Decision

1. The present decision was taken after the revised European Patent Convention (EPC) entered into force on 13 December 2007. Since the patent was granted at that time, the board applied the transitional provisions in accordance with Article 7(1), second sentence, of the Act revising the EPC of 29 November 2000 and the Decisions of the Administrative Council of 28 June 2001 (Special edition No. 1, OJ EPO 2007, 197) and 7 December 2006 (Special edition No. 1, OJ EPO 2007, 89). Articles and Rules of the revised EPC and of the

- EPC valid until that time are cited in accordance with the Citation Practice (see the 13th edition of the European Patent Convention, page 4).
2. Since all the time limits for complying with the conditions for filing an appeal had expired before 13 December 2007, EPC 1973 has to be applied in the present case with regard to the admissibility of the appeal (see also J 10/07 of 31 March 2008, to be published in the OJ EPO, point 1 of the Reasons).
 3. No written statement setting out the grounds of appeal has been filed. Furthermore, the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108, third sentence EPC 1973. The appeal therefore has to be rejected as inadmissible (Rule 65(1) EPC 1973).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

A. Vottner

S. Crane