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**Datasheet for the decision
of 3 March 2008**

Case Number: T 1463/07 - 3.4.02

Application Number: 96907959.9

Publication Number: 0819247

IPC: G01N 23/083

Language of the proceedings: EN

Title of invention:

A method and an apparatus for analysing a material

Applicant:

TECHNOLOGICAL RESOURCES PTY. LTD.

Opponent:

-

Headword:

"Missing statement of grounds"

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

-

Decisions cited:

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Catchword:

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Case Number: T 1463/07 - 3.4.02

D E C I S I O N
of the Technical Board of Appeal 3.4.02
of 3 March 2008

Appellant: TECHNOLOGICAL RESOURCES PTY. LTD.
55 Collins Street
Melbourne
VIC 3000 (AU)

Representative: Kador & Partner
Corneliusstrasse 15
D-80469 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 20 March 2007
refusing European application No. 96907959.9
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. Klein
Members: M. Stock
M. J. Vogel

Summary of Facts and Submissions

- I. The appellant contests the decision of the examining division of the European Patent Office dated 20 March 2007 refusing European patent application No. 96907959.9.

The appellant filed a notice of appeal on 16 May 2007 and paid the appeal fee on the same day.

The notice of appeal contains a request for oral proceedings.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

- II. In a communication dated 7 September 2007, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

- III. The appellant filed no observations in response to said communication.

In a letter dated 21 February 2008 the appellant withdrew the request for oral proceedings.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

M. Kiehl

A. Klein