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THE EUROPEAN PATENT  
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**Datasheet for the decision  
of 15 May 2009**

**Case Number:** T 2093/08 - 3.4.01

**Application Number:** 06253559.6

**Publication Number:** 1744170

**IPC:** G01R 33/381

**Language of the proceedings:** EN

**Title of invention:**

Low field loss cold mass structure for superconducting magnets

**Applicant:**

GENERAL ELECTRIC COMPANY

**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 2093/08 - 3.4.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.01  
of 15 May 2009

**Appellant:** GENERAL ELECTRIC COMPANY  
1 River Road  
Schenectady, NY 12345 (US)

**Representative:** Pedder, James Cuthbert  
London Patent Operation  
General Electric International, Inc.  
15 John Adam Street  
London WC2N 6LU (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 07 April 2008  
refusing European application No. 06253559.6  
pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** B. Schachenmann  
**Members:** F. Neumann  
G. Assi

## **Summary of Facts and Submissions**

- I. The appellant contests the decision of the Examining Division dated 7 April 2008 refusing European patent application No. 06253559.6
- II. The appellant filed a notice of appeal received on 13 June 2008 and paid the appeal fee on the same day. No statement of grounds of appeal was received.
- III. In a communication dated 10 November 2008 sent by registered post with advice of delivery, the board informed the appellant that no statement of grounds of appeal had been received and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.
- IV. No observations were filed.

## **Reasons for the Decision**

1. Article 108 EPC requires that a statement setting out the grounds of appeal shall be filed within four months of notification of the decision. Pursuant to Rule 101(1) EPC the appeal shall be rejected as inadmissible if it does not comply with Article 108 EPC.
2. In the present case no document was filed by the appellant which could be regarded as a statement setting out the grounds of appeal. Consequently the appeal has to be rejected as inadmissible.

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar

The Chairman

R. Schumacher

B. Schachenmann