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**Datasheet for the decision
of 11 January 2010**

Case Number: T 0262/09 - 3.2.05

Application Number: 01271096.8

Publication Number: 1379727

IPC: D21F 5/18

Language of the proceedings: EN

Title of invention:

Method and equipment for drying a pulp web using hot air or different temperatures

Patentee:

Metso Paper, Inc.

Opponent:

Andritz Aktiebolag

Headword:

Inadmissibility of the appeal

Relevant legal provisions:

EPC Art. 108, 3rd sentence
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 0262/09 - 3.2.05

D E C I S I O N
of the Technical Board of Appeal 3.2.05
of 11 January 2010

Appellant: Andritz Aktiebolag
(Opponent) P.O. Box 29
SE-89121 Örnsköldsvik (SE)

Representative: Simonsson, Erik
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Respondent: Metso Paper, Inc.
(Patent Proprietor) Fabianinkatu 9 A
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Representative: Saijonmaa, Olli-Pekka
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 18 November 2008
rejecting the opposition filed against European
patent No. 1379727 pursuant to
Article 101(3)(a) and Article 106(2) EPC.

Composition of the Board:

Chairman: P. Michel
Members: S. Bridge
E. Lachacinski

Summary of Facts and Submissions

- I. The appeal lies against the interlocutory decision of the Opposition Division of the European Patent Office taken at the oral proceedings held on 15 October 2008 to maintain the European patent No. 1 379 727 in accordance with the main request. The decision was posted to the appellant on 18 November 2008. The appellant filed a notice of appeal on 23 January 2009 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 within the meaning of Article 108 EPC.
- II. By a communication dated 06 May 2009, sent by registered letter with advice of delivery and received by the appellant on 12 May 2009 the Registry of the Board informed the appellant that no statement of grounds had been filed and that the appeal would be expected to be rejected as inadmissible.
- III. No response has been given to the Registry's communication.

Reasons for the Decision

As no written statements setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC, third sentence and Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Meyfarth

P. Michel