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**Datasheet for the decision
of 19 October 2009**

Case Number: T 0763/09 - 3.2.06

Application Number: 95304265.2

Publication Number: 0688630

IPC: B23K 35/368

Language of the proceedings: EN

Title of invention:

Flux-cored wire for gas shielded arc welding

Patentee:

KABUSHIKI KAISHA KOBE SEIKO SHO

Opponent:

L'AIR LIQUIDE S.A.
The Lincoln Electric Company

Headword:

Inadmissibility of the Appeal

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

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Decisions cited:

-

Catchword:

-



Case Number: T 0763/09 - 3.2.06

DECISION
of the Technical Board of Appeal 3.2.06
of 19 October 2009

(Opponent 01) L'AIR LIQUIDE S.A.
75, Quai d'Orsay
F-75321 Paris Cedex 07 (FR)

Representative: Pittis, Olivier
L'Air Liquide, S.A.
Service Brevets & Marques,
75, Quai d'Orsay
F-75321 Paris Cedex 07 (FR)

Appellant: The Lincoln Electric Company
(Opponent 02) 22801 St. Clair Avenue
44117-1199 Cleveland, Ohio (US)

Representative: Schumacher, Horst
Palgen, Schumacher & Kollegen
Frühlingstraße 43A
D-45133 Essen (DE)

Respondent: KABUSHIKI KAISHA KOBE SEIKO SHO
(Patent Proprietor) also known as Kobe Steel Ltd.
3-18 1-chome, Wakinohama-cho
Chuo-ku
Kobe 651 (JP)

Representative: Gillard, Richard Edward
Elkington and Fife LLP
Thavies Inn House
3-4 Holborn Circus
London EC1N 2HA (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
3 February 2009 concerning maintenance of the
European patent No. 0688630 in amended form.

Composition of the Board:

Chairman: P. Alting Van Geusau
Members: M. Harrison
R. Menapace

Summary of Facts and Submissions

- I. This matter concerns an appeal against the interlocutory decision of the Opposition Division posted on 3 February 2009, concerning the maintenance of European patent No. 0 688 630 in amended form.
- II. The appellant (opponent 02) filed a notice of appeal on 6 April 2009 and paid the fee for appeal on the same date. No statement setting out the grounds for that appeal was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC, third sentence, and Rule 101(1) EPC.
- III. By a communication dated 17 July 2009, sent by registered letter with advice of delivery and received on 20 July 2009, the Registry of the Board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.
- IV. No response to the Registry's communication was received.

Reasons for the Decision

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

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Patin

P. Alting Van Geusau