

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 14 January 2010**

Case Number: T 1116/09 - 3.2.05

Application Number: 03705483.0

Publication Number: 1467944

IPC: B65H 51/18

Language of the proceedings: EN

Title of invention:
Floating lifting device

Patentee:
IHC Gusto Engineering B.V.

Opponent:
Technip France

Headword:
Inadmissibility of the appeal

Relevant legal provisions:
EPC Art. 108
EPC R. 101

Relevant legal provisions (EPC 1973):

-

Keyword:

-

Decisions cited:

-

Catchword:

-



Case Number: T 1116/09 - 3.2.05

DECISION
of the Technical Board of Appeal 3.2.05
of 14 January 2010

Appellant:
(Opponent)

Technip France
6-8, Allée de l'Arche
Faubourg de l'Arche
ZAC Danton
F-92400 Courbevoie (FR)

Representative:

Colombié, Damien
Cabinet Lavoix
2, place d'Estienne d'Orves
F-75441 Paris Cedex 09 (FR)

Respondent:
(Patent Proprietor)

IHC Gusto Engineering B.V.
's-Gravenlandseweg 557
P.O. Box 11
NL-3100 AA Schiedam (NL)

Representative:

van Westernbrugge, Andries
Nederlandsch Octrooibureau
Postbus 29720
NL-2502 LS Den Haag (NL)

Decision under appeal:

Interlocutory decision of the Opposition
Division of the European Patent Office posted
23 March 2009 concerning maintenance of
European patent No. 1467944 in amended form.

Composition of the Board:

Chairman: W. Zellhuber
Members: P. Michel
E. Lachacinski

Summary of Facts and Submissions

- I. This matter concerns an appeal against the interlocutory decision of the Opposition Division posted on 23 March 2009, concerning the maintenance of European patent No. 1 467 944 in amended form.
- II. The appellant (opponent 01) filed a notice of appeal on 25 May 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 of grounds pursuant to Article 108, third sentence, and Rule 101(1) EPC.
- III. By a communication dated 17 September 2009, sent by registered letter with advice of delivery and received on 22 September 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 was made to the Registry's communication.

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, 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:

D. Meyfarth

W. Zellhuber