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**Datasheet for the decision
of 20 April 2010**

Case Number: T 1446/09 - 3.2.01

Application Number: 02025030.4

Publication Number: 1281610

IPC: B62M 9/12

Language of the proceedings: EN

Title of invention:

Bicycle derailleur

Patentee:

SHIMANO INC.

Opponent:

SRAM Deutschland GmbH

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 1446/09 - 3.2.01

D E C I S I O N
of the Technical Board of Appeal 3.2.01
of 20 April 2010

Appellant: SRAM Deutschland GmbH
(Opponent) Romstr. 1
D-97424 Schweinfurt (DE)

Representative: Thum, Bernhard
Wuesthoff & Wuesthoff
Patent- und Rechtsanwälte
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Respondent: SHIMANO INC.
(Patent Proprietor) 3-77 Oimatsu-cho
Sakai-ku
Sakai City
Osaka 590-8577 (JP)

Representative: Murnane, Graham John
Murgitroyd & Company
165-169 Scotland Street
Glasgow G5 8PL (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
16 April 2009 concerning maintenance of
European patent No. 1281610 in amended form.

Composition of the Board:

Chairman: S. Crane
Members: J. Osborne
S. Hoffmann

Summary of Facts and Submissions

- I. The appeal is directed against the decision posted 16 April 2009 according to which it was found that, account being taken of amendments made by the patent proprietor during the opposition proceedings, the European patent No. 1 281 610 and the invention to which it relates meet the requirements of the EPC.
- II. The appellant (opponent) filed a notice of appeal on 26 June 2009 and paid the fee for appeal on the same day. No statement of grounds was filed within the time limit provided by Article 108 EPC in conjunction with Rule 126(2) EPC.
- III. By a communication dated 17 September 2009, sent by registered post with advice of delivery and acknowledgement of receipt, the registry of the Board informed the appellant that it appeared that no written statement of grounds of appeal had been filed and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months.
- IV. No observations were received in response to said communication either within the set time limit or within the three months after expiry of the time limit provided by Rule 133 EPC.

Reasons for the Decision

No written statement setting out the grounds of appeal has been filed. Furthermore, the notice of appeal

contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC. The appeal therefore has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

A. Vottner

S. Crane