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**Datasheet for the decision  
of 18 November 2010**

**Case Number:** T 1169/10 - 3.4.02

**Application Number:** 98119786.6

**Publication Number:** 0911669

**IPC:** G02C 7/02

**Language of the proceedings:** EN

**Title of invention:**  
Progressive focal lens for eyeglasses

**Applicant:**  
TOKAI KOGAKU KABUSHIKI KAISHA

**Opponent:**  
-

**Headword:**  
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**Relevant legal provisions:**  
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**Relevant legal provisions (EPC 1973):**  
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**Keyword:**  
"Missing statement of the grounds of appeal"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 1169/10 - 3.4.02

**DECISION**  
of the Technical Board of Appeal 3.4.02  
of 18 November 2010

**Appellant:**

TOKAI KOGAKU KABUSHIKI KAISHA  
5-26 Aza-Shimoda  
Eta-Cho  
Okazaki-Shi  
Aichi-Ken 444-21 (JP)

**Representative:**

Patentanwälte  
Westphal, Mussnug & Partner  
Am Riettor 5  
D-78048 Villingen-Schwenningen (DE)

**Decision under appeal:**

Decision of the Examining Division of the  
European Patent Office posted 7 December 2009  
refusing European application No. 98119786.6  
pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** A. G. Klein  
**Members:** M. Stock  
B. Müller

## **Summary of Facts and Submissions**

I. The appellant contests the decision of the examining division of the European Patent Office dated 7 December 2009 refusing European patent application No. 98119786.6.

The appellant filed a notice of appeal on 17 February 2010 and paid the appeal fee on the same day.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC.

II. In a communication dated 7 June 2010, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. The appellant filed no observations in response to said communication.

## **Reasons for the Decision**

No written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement pursuant to Article 108 and Rule 99(2) EPC. Thus, the appeal is inadmissible pursuant to Rule 101(1) EPC.

**Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

M. Kiehl

A. G. Klein