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**Datasheet for the decision
of 25 November 2010**

Case Number: T 1263/10 - 3.3.09

Application Number: 04103165.9

Publication Number: 1495857

IPC: B32B 1/08

Language of the proceedings: EN

Title of invention:
Air Conditioning hose

Applicant:
Veyance Technologies, Inc.

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1), 126(2)

Relevant legal provisions (EPC 1973):
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Keyword:
"Appeal inadmissible - no written statement setting out the grounds of appeal"

Decisions cited:
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Catchword:
-



Case Number: T 1263/10 - 3.3.09

D E C I S I O N
of the Technical Board of Appeal 3.3.09
of 25 November 2010

Appellant:
(Applicant)

Veyance Technologies, Inc.
703 S. Cleveland-Massillon Road
Fairlawn, OH 44333-3023 (US)

Representative:

Hellwig, Tillmann Johannes
Dreiss Patentanwälte
Gerokstraße 1
D-70188 Stuttgart (DE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 8 December 2009
refusing European patent application
No. 04103165.9 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: W. Sieber
Members: N. Perakis
F. Blumer

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the examining division posted on 8 December 2009.
- II. The appellant filed a notice of appeal on 5 February 2010 and paid the appeal fee on the same day.
- III. By communication of 15 June 2010 received by the appellant, the Registry of the board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. Having regard to an auxiliary request for oral proceedings, the appellant was asked to clarify whether this request was maintained, given that no statement of grounds had been filed. The appellant was informed that any observations had to be filed within two months of notification of the communication.
- IV. The appellant filed a reply on 21 June 2010 which stated that: "It is hereby confirmed that the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal has not been filed".

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third

sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal, nor any other document filed, contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal 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:

C. Eickhoff

W. Sieber