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**Datasheet for the decision
of 15 April 2011**

Case Number: T 1489/10 - 3.2.07

Application Number: 05445018.4

Publication Number: 1584436

IPC: B27B 17/00

Language of the proceedings: EN

Title of invention:

Ignition systems for portable power tools

Patent proprietor:

Husqvarna Consumer Outdoor Products N.A., Inc.

Opponent:

Andreas Stihl AG & Co. KG

Headword:

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Relevant legal provisions:

EPC Art. 108, third sentence
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 1489/10 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
of 15 April 2011

Appellant: Husqvarna Consumer Outdoor Products N.A., Inc.
(Patent Proprietor) 1030 Stevens Creek Road
Augusta GA 30907 (US)

Representative: Finkele, Rolf
Gardena Manufacturing GmbH
Hans-Lorenser-Straße 40
D-89079 Ulm (DE)

Respondent: Andreas Stihl AG & Co. KG
(Opponent) Badstrasse 115
D-71336 Waiblingen (DE)

Representative: Wasmuth, Rolf
Patentanwalt
W. Jackisch & Partner
Menzelstrasse 40
D-70192 Stuttgart (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 6 May 2010
revoking the European patent No. 1 584 436
pursuant to Article 101(2) and 101(3)(b) EPC.

Composition of the Board:

Chairman: H. Meinders
Members: P. O'Reilly
E. Dufrasne

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 6 May 2010 revoking the European patent No. 1 584 436 pursuant to Article 101(2) and 101(3)(b) EPC.

The appellant (patent proprietor) filed a notice of appeal on 5 July 2010 and paid the fee for appeal on the same day.

No statement of grounds was filed.

- II. By a communication dated 27 October 2010 sent by registered letter with advice of delivery, the registry of the Board informed the appellant that no statement of grounds had been filed and that its appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.
- III. No answer has been given to the registry's communication.

Reasons for the Decision

1. The notice of appeal filed on 5 July 2010 contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
2. 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).

3. The auxiliary request for oral proceedings filed by the appellant with its notice of appeal was associated with its main request for having the first instance's decision set aside and the patent in suit maintained as granted.

By the communication dated 27 October 2010 of the registry of the Board, the appellant has been made aware that in the absence of a statement of grounds, its appeal could be expected to be rejected as inadmissible.

In the absence of a reply to that communication, there are no submissions from the appellant as to the admissibility of its appeal, nor an auxiliary request for oral proceedings related to that admissibility.

Therefore, the Board considers that the decision can be issued without holding oral proceedings.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

G. Nachtigall

H. Meinders