BESCHWERDEKAMMERN DES EUROPÄISCHEN PATENTAMTS

BOARDS OF APPEAL OF THE EUROPEAN PATENT OFFICE

CHAMBRES DE RECOURS DE L'OFFICE EUROPEEN DES BREVETS

Internal distribution code:
(A) [ ] Publication in OJ
(B) [ ] To Chairmen and Members
(C) [ ] To Chairmen
(D) [X] No distribution

Datasheet for the decision of 11 January 2011

Case Number: T 1928/10 - 3.2.06

Application Number: 06002184.7

Publication Number: 1688202

IPC: B23F 21/10

Language of the proceedings: EN

Title of invention:
Grinding wheel for relief machining for resharpenable pinion-type cutter

Applicant:
Harmonic Drive Systems Inc.

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):
-

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-

b

Europäisches Patentamt | European Patent Office | Office européen des brevets

Beschwerdekammern | Boards of Appeal | Chambres de recours

Case Number: T 1928/10 - 3.2.06

D E C I S I O N
of the Technical Board of Appeal 3.2.06
of 11 January 2011

Appellant: Harmonic Drive Systems Inc.
25-3, Minamioi 6-chome
Shinagawa-ku
Tokyo 140-0013 (JP)

Representative: Schmitt-Nilson, Gerhard
Klunker Schmitt-Nilson Hirsch
Destouchesstraße 68
D-80796 München (DE)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 7 April 2010 refusing European patent application No. 06002184.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: P. Alting van Geusau
Members: M. Harrison
W. Sekretaruk

Summary of Facts and Submissions

I. The appeal is directed against the decision of the Examining Division of the European Patent Office of 16 March 2010, posted on 7 April 2010.

II. The appellant (applicant) filed a notice of appeal on 17 June 2010 and paid the appeal fee on the same day. In addition to grant of a European Patent on the basis of the documents on file, oral proceedings were requested.

III. By communication of 21 September 2010, receipt of which was confirmed 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). The appellant was informed that any observations had to be filed within two months of notification of the communication.

With letter dated 23 December 2010, the appellant withdrew its request for oral proceedings.

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 P. Alting van Geusau