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**Datasheet for the decision  
of 1 September 2011**

**Case Number:** T 0226/11 - 3.4.03

**Application Number:** 05110196.2

**Publication Number:** 1653253

**IPC:** G01V 5/00

**Language of the proceedings:** EN

**Title of invention:**

Electronic system and method for the recognition of materials

**Patentee:**

GILARDONI S.p.A.

**Opponent:**

Smiths Heimann 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:**

"Appeal inadmissible - no statement of the grounds of appeal"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0226/11 - 3.4.03

**DECISION**  
of the Technical Board of Appeal 3.4.03  
of 1 September 2011

**Appellant:** GILARDONI S.p.A.  
(Patent Proprietor) Piazza Luigi di Savoia 28  
I-20124 Milano (IT)

**Representative:** Coletti, Raimondo  
Barzanò & Zanardo Milano S.p.A.  
Via Borgonuovo, 10  
I-20121 Milano (IT)

**Respondent:** Smiths Heimann GmbH  
(Opponent) Im Herzen 4  
D-65205 Wiesbaden (DE)

**Representative:** Thul, Hermann  
Thul Patentanwaltsgesellschaft mbH  
Rheinmetall Platz 1  
D-40476 Düsseldorf (DE)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 25 November 2010  
revoking European patent No. 1653253 pursuant  
to Article 101(2) EPC.

**Composition of the Board:**

**Chairman:** G. Eliasson  
**Members:** T. Häusser  
T. Bokor

## **Summary of Facts and Submissions**

I. This is an appeal against the revocation of European patent No. 1653253 posted 25 November 2010.

A notice of appeal on behalf of the appellant proprietor was filed on 25 January 2011. The appeal fee was paid on the same day. No separate statement of grounds of appeal was filed.

II. By a communication dated 02 May 2011 sent by registered letter with advice of delivery, the appellant proprietor was informed that no statement of grounds of appeal had been filed and that, therefore, it was 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. The appellant was invited to file observations within two months. A copy of the communication was sent to the respondent opponent on the same day for information.

III. No answer has been given to the communication within the time limit. No request for re-establishment of rights was filed.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108, third sentence, EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

**Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

A. Vottner

G. Eliasson