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**Datasheet for the decision  
of 2 May 2012**

**Case Number:** T 1225/11 - 3.2.04

**Application Number:** 03709662.5

**Publication Number:** 1472458

**IPC:** F03D 11/04

**Language of the proceedings:** EN

**Title of invention:**

Method of mounting elements in a wind turbine tower, wind tower suspension unit, system of mutually attachable members

**Patentee:**

Vestas Wind Systems A/S

**Opponent:**

ENERCON GmbH

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1225/11 - 3.2.04

**DECISION**  
of the Technical Board of Appeal 3.2.04  
of 2 May 2012

**Appellant:** Vestas Wind Systems A/S  
(Patent Proprietor) Smed Sørensens Vej 5  
DK-6950 Ringkøbing (DK)

**Representative:** Hertling, Peter  
Inspicos A/S  
Kogle Allé 2  
P.O. Box 45  
DK-2970 Hørsholm (DK)

**Respondent:** ENERCON GmbH  
(Opponent) Dreekamp 5  
D-26605 Aurich (DE)

**Representative:** Gültzow, Marc  
Eisenführ, Speiser & Partner  
Am Kaffee-Quartier 3  
D-28217 Bremen (DE)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
21 March 2011 concerning maintenance of  
European patent No. 1472458 in amended form.

**Composition of the Board:**

**Chairman:** A. de Vries  
**Members:** C. Scheibling  
T. Bokor

## **Summary of Facts and Submissions**

I. The appeal contests the decision of the Opposition Division of the European Patent Office concerning maintenance of European patent No. 1472458 in amended form. The decision was dispatched by registered letter with advice of delivery to each party on 21 March 2011.

The Appellant (Patent Proprietor) filed a notice of appeal on 31 May 2011 and paid the appeal fee on the same day.

No statement setting out the grounds of appeal was filed.

II. By a communication dated 6 September 2011 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 the 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**

As no written statement setting out the grounds of appeal has been filed and the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108, third sentence, EPC, the appeal has to be rejected as inadmissible (Article 108, third sentence, 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:

G. Magouliotis

A. de Vries