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**Datasheet for the decision
of 31 October 2013**

Case Number: T 0230/13 - 3.2.07

Application Number: 05702439.0

Publication Number: 1846301

IPC: B65D 17/32

Language of the proceedings: EN

Title of invention:

Can end with tab retained by chemical adhesive member

Patent Proprietor:

Rexam Beverage Can Europe Limited

Opponent:

Ball Packaging Europe GmbH

Headword:

-

Relevant legal provisions:

EPC Art. 108, third sentence
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0230/13 - 3.2.07

DECISION
of the Technical Board of Appeal 3.2.07
of 31 October 2013

Appellant: Rexam Beverage Can Europe Limited
(Patent Proprietor) 100 Capability Green
Luton
Bedfordshire LU1 3LG (GB)

Representative: Lambert, Ian Robert
Wynne-Jones, Lainé & James LLP
Essex Place
22 Rodney Road
Cheltenham
Gloucestershire GL50 1JJ (GB)

Respondent: Ball Packaging Europe GmbH
(Opponent) Kaiserswerther Strasse 115
D-40880 Ratingen (DE)

Representative: Eisenführ, Speiser & Partner
Anna-Louisa-Karsch-Strasse 2
D-10178 Berlin (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
28 November 2012 concerning maintenance of
European patent No. 1846301 in amended form.

Composition of the Board:

Chairman: H. Meinders
Members: G. Patton
I. Beckedorf

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division dated 28 November 2012 concerning maintenance of European Patent No. 1 846 301 in amended form.

The appellant (patent proprietor) filed a notice of appeal on 28 January 2013 and paid the fee for appeal on the same day.

No statement of grounds was filed.

- II. By a communication dated 14 May 2013 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 28 January 2013 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).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

G. Nachtigall

H. Meinders