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**Datasheet for the decision  
of 16 March 2015**

**Case Number:** T 1578/14 - 3.2.05

**Application Number:** 07010418.7

**Publication Number:** 1867903

**IPC:** F16K31/06, F16K37/00

**Language of the proceedings:** EN

**Title of invention:**

A method and apparatus for monitoring and determining the functional status of an electromagnetic valve

**Patent Proprietor:**

Festo AG & Co. KG

**Opponent:**

Areva GmbH

**Headword:**

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 99(2), 101(1), 126(2)

**Keyword:**

Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

European Patent Office  
D-80298 MUNICH  
GERMANY  
Tel. +49 (0) 89 2399-0  
Fax +49 (0) 89 2399-4465

Case Number: T 1578/14 - 3.2.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.05**  
**of 16 March 2015**

**Appellant:**  
(Patent Proprietor)

Festo AG & Co. KG  
Ruiter Strasse 82  
73734 Esslingen (DE)

**Representative:**

Mark Kocher  
Patentanwälte Magenbauer & Kollegen  
Partnerschaft mbB  
Plochinger Straße 109  
73730 Esslingen (DE)

**Respondent:**  
(Opponent)

Areva GmbH  
Paul-Gossen-Strasse 100  
91052 Erlangen (DE)

**Representative:**

Meissner, Bolte & Partner GbR  
Bankgasse 3  
90402 Nürnberg (DE)

**Decision under appeal:**

**Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
9 May 2014 concerning maintenance of the  
European Patent No. 1867903 in amended form.**

**Composition of the Board:**

**Chairman** M. Poock  
**Members:** P. Lanz  
M.J. Vogel

### **Summary of Facts and Submissions**

- I. The patent proprietor filed a notice of appeal on 21 July 2014 against the interlocutory decision of the opposition division dated 9 May 2014. The appeal fee was paid on the same day.
  
- II. By communication of 21 November 2014, received 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) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.
  
- III. No reply was received.

### **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:



D. Meyfarth

M. Poock

Decision electronically authenticated