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**Datasheet for the decision  
of 12 October 2015**

**Case Number:** T 0578/15 - 3.3.05

**Application Number:** 03250798.0

**Publication Number:** 1363344

**IPC:** H01M10/46, H01M10/39,  
H01M10/48, H01M10/50, H01M10/42

**Language of the proceedings:** EN

**Title of invention:**  
Control system for sodium-sulfur battery

**Patent Proprietor:**  
NGK Insulators, Ltd.

**Opponent:**  
BASF SE

**Headword:**

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

**Keyword:**  
Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

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Case Number: T 0578/15 - 3.3.05

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.05**  
**of 12 October 2015**

**Appellant:** BASF SE  
(Opponent) 67056 Ludwigshafen (DE)

**Respondent:** NGK Insulators, Ltd.  
(Patent Proprietor) 2-56 Suda-cho,  
Mizuho-ku  
Nagoya-City, Aichi Pref. 467-8530 (JP)

**Representative:** Naylor, Matthew John  
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40 Basinghall Street  
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**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office  
maintaining European Patent No. 1363344 in  
amended form.**

**Composition of the Board:**

**Chairman** G. Raths  
**Members:** J.-M. Schwaller  
C. Vallet

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

- I. The appeal is directed against the decision of the Opposition Division of 1 December 2014 posted on 8 January 2015.
- II. The appellant filed a notice of appeal on 13 March 2015 and paid the appeal fee on the same day.
- III. By communication of 29 June 2015, 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.
- IV. 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:



C. Vodz

G. Rath

Decision electronically authenticated