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**Datasheet for the decision
of 10 May 2017**

Case Number: T 2580/16 - 3.3.05

Application Number: 04749194.9

Publication Number: 1794093

IPC: C02F1/64, C02F3/02, B01D24/10

Language of the proceedings: EN

Title of invention:
METHOD AND APPARATUS FOR THE PURIFICATION OF GROUND WATER

Patent Proprietor:
2Alfa Hydrotech AB

Opponent:
United Waters International AG

Headword:

Relevant legal provisions:
EPC Art. 108, 101(1)
EPC R. 99(2)

Keyword:
Admissibility of appeal - statement of grounds - filed within
time limit (no)

Decisions cited:

G 0001/86, T 0743/05

Catchword:



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Case Number: T 2580/16 - 3.3.05

D E C I S I O N
of Technical Board of Appeal 3.3.05
of 10 May 2017

Appellant: United Waters International AG
(Opponent) Gubelstrasse 12
6300 Zug (CH)

Representative: Bergenstråhle Group AB
P.O. Box 17704
118 93 Stockholm (SE)

Respondent: 2Alfa Hydrotech AB
(Patent Proprietor) Skolvägen 11A
135 55 Tyresö (SE)

Representative: Ehrner & Delmar Patentbyrå AB
Drottninggatan 33, plan 4
111 51 Stockholm (SE)

Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted on 30 September 2016 rejecting the opposition filed against European patent No. 1794093 pursuant to Article 101(2) EPC.**

Composition of the Board:

Chairman H. Engl
Members: G. Glod
O. Loizou

Summary of Facts and Submissions

I. The opponent (hereinafter "the appellant") filed on 30 November 2016 an appeal against the decision of the opposition division dated 30 September 2016 rejecting the opposition. The appeal fee was paid on the same day.

Said decision was posted on 30 September 2016 as registered letter with advice of delivery. Pursuant to Rule 126(2) EPC the notification of this decision is deemed to have been delivered to the addressee on the tenth day following its posting, i.e. on 10 October 2016.

II. The statement of grounds of appeal was electronically filed on 13 February 2017.

III. By communication dated 16 February 2017, sent by registered letter with advice of delivery, the Registry of the board informed the appellant that the statement of grounds had been filed out of time and that the appeal could be expected to 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. Within this period of time the appellant filed no observations.

Reasons for the Decision

1. The four month time limit for filing the statements of grounds of appeal according to Article 108 and Rule 101(1) EPC ended on 10 February 2017 (see also T 743/05, Reasons, 1.4).

As the written statement setting out the grounds of appeal was filed on 13 February 2017, it has been filed out of time. Since the notice of appeal of 30 November 2016 does not contain any reasoning within the meaning of Rule 99(2) EPC or anything that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC, a statement of grounds is missing so that the appeal is inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

2. Moreover no request for re-establishment of rights under Article 122 EPC in combination with Rule 136(1) EPC (see also G 01/86, Reasons 15) was filed by the appellant within two months of receipt of the communication dated 16 February 2017.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



C. Vodz

H. Engl

Decision electronically authenticated