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**Datasheet for the decision
of 21 June 2017**

Case Number: T 0013/17 - 3.2.06

Application Number: 04797934.9

Publication Number: 1797283

IPC: F01D17/16, F01D5/14

Language of the proceedings: EN

Title of invention:

VARIABLE NOZZLE TURBOCHARGER HAVING CAMBERED VANES

Patent Proprietor:

Honeywell International Inc.

Opponents:

Bosch Mahle Turbo Systems GmbH & Co. KG
BorgWarner, Inc.

Relevant legal provisions:

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

Keyword:

Admissibility of appeal - missing statement of grounds



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Case Number: T 0013/17 - 3.2.06

D E C I S I O N
of Technical Board of Appeal 3.2.06
of 21 June 2017

Appellant: BorgWarner, Inc.
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Auburn Hills, MI 48326 (US)

Representative: Peterreins Schley
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Respondent: Honeywell International Inc.
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Party as of right: Bosch Mahle Turbo Systems GmbH & Co. KG
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70376 Stuttgart (DE)

Representative: BRP Renaud & Partner mbB
Rechtsanwälte Patentanwälte
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70173 Stuttgart (DE)

Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on
28 October 2016 concerning maintenance of the
European Patent No. 1797283 in amended form.

Composition of the Board:

Chairman	M. Harrison
Members:	G. de Crignis
	J. Hoppe

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division posted on 28 October 2016.
- II. The appellant filed a notice of appeal on 28 December 2016 and paid the appeal fee on the same day.
- III. By communication of 21 March 2017, received by the appellant on 22 March 2017, 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:



M. H. A. Patin

M. Harrison

Decision electronically authenticated