

Internal distribution code:

- (A) [-] Publication in OJ
- (B) [-] To Chairmen and Members
- (C) [-] To Chairmen
- (D) [X] No distribution

**Datasheet for the decision
of 12 July 2017**

Case Number: T 0026/17 - 3.2.04

Application Number: 03808023.0

Publication Number: 1558845

IPC: F02N3/02, F16F15/121, F02N5/02

Language of the proceedings: EN

Title of invention:
RECOIL STARTER WITH DAMPER/BUFFERING SPRING

Patent Proprietor:
MTD PRODUCTS INC.

Opponent:
Andreas Stihl AG & Co. KG

Headword:

Relevant legal provisions:

Keyword:

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 0026/17 - 3.2.04

D E C I S I O N
of Technical Board of Appeal 3.2.04
of 12 July 2017

Appellant: MTD PRODUCTS INC.
(Patent Proprietor) P.O. Box 368022
Valley City, OH 44280-9711 (US)

Representative: Wilson, Alan Stuart
Barker Brettell LLP
Medina Chambers
Town Quay
Southampton SO14 2AQ (GB)

Respondent: Andreas Stihl AG & Co. KG
(Opponent) Badstrasse 115
71336 Waiblingen (DE)

Representative: Wasmuth, Rolf
Patentanwälte
Dipl.Ing. W. Jackisch & Partner mbB
Menzelstrasse 40
70192 Stuttgart (DE)

Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted on 19 October 2016 revoking European patent No. 1558845 pursuant to Article 101(3) (b) EPC.**

Composition of the Board:

Chairman A. de Vries
Members: S. Oechsner de Coninck
C. Schmidt

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 19 October 2016, posted on 19 October 2016.
- II. The appellant filed a notice of appeal on 29 December 2016 and paid the appeal fee on the same day.
- III. By communication of 31 March 2017, 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:



N. Maslin

A. de Vries

Decision electronically authenticated