

Internal distribution code:

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

**Datasheet for the decision
of 24 October 2017**

Case Number: T 1018/17 - 3.2.01

Application Number: 12178909.3

Publication Number: 2554416

IPC: B60J7/14, B60J1/18, B60J7/16

Language of the proceedings: EN

Title of invention:
Car with a sun roof provided with internal and external
vertical posts

Patent Proprietor:
FERRARI S.p.A.

Opponent:
Webasto-Edscha Cabrio GmbH

Headword:

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

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 1018/17 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 24 October 2017

Appellant: Webasto-Edscha Cabrio GmbH
(Opponent) Kraillinger Strasse 5
82131 Stockdorf (DE)

Representative: advotec.
Patent- und Rechtsanwälte
Widenmayerstrasse 4
80538 München (DE)

Respondent: FERRARI S.p.A.
(Patent Proprietor) Via Emilia Est, 1163
Modena (IT)

Representative: Bergadano, Mirko
Studio Torta S.p.A.
Via Viotti, 9
10121 Torino (IT)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 15 February
2017 rejecting the opposition filed against
European patent No. 2554416 pursuant to Article
101(2) EPC.**

Composition of the Board:

Chairman G. Pricolo
Members: W. Marx
O. Loizou

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division posted on 15 February 2017.
- II. The appellant filed a notice of appeal on 20 April 2017 and paid the appeal fee on the same day.
- III. By communication of 11 July 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, the notice of appeal contains nothing 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:



A. Vottner

G. Pricolo

Decision electronically authenticated