

**Internal distribution code:**

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

**Datasheet for the decision  
of 28 April 2020**

**Case Number:** T 0629/18 - 3.2.08

**Application Number:** 13700991.6

**Publication Number:** 2802793

**IPC:** F16H15/38

**Language of the proceedings:** EN

**Title of invention:**

CONTINUOUSLY VARIABLE TOROIDAL TRANSMISSION

**Applicant:**

Allison Transmission, Inc.

**Headword:**

**Relevant legal provisions:**

EPC Art. 108

EPC R. 99(2), 101(1), 126(2), 142(4)

**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 0629/18 - 3.2.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.08**  
**of 28 April 2020**

**Appellant:** Allison Transmission, Inc.  
(Applicant) One Allison Way  
Indianapolis, IN 46222 (US)

**Representative:** HGF Limited  
4th Floor  
Merchant Exchange  
17-19 Whitworth Street West  
Manchester M1 5WG (GB)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 14 September  
2017 refusing European patent application No.  
13700991.6 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairwoman** P. Acton  
**Members:** C. Schmidt  
C. Herberhold

## **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Examining Division of 4 September 2017, posted on 14 September 2017.
- II. The appellant filed a notice of appeal on 7 November 2017 and paid the appeal fee on the same day.
- III. By communication of 4 April 2018, 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. With a further communication of the Board dated 13 November 2018 the appellant was informed that, due to an interruption of the proceedings as from 8 December 2017 until 1 October 2018 and according to Rule 142(4) EPC, the statement setting out the grounds of appeal had to be filed within four month of the date of the resumption of the proceedings.
- V. Both communications remained unanswered.

## **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 Rules 126(2) and 142(4) 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 Chairwoman:



C. Moser

P. Acton

Decision electronically authenticated