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**Datasheet for the decision  
of 11 April 2019**

**Case Number:** T 2616/18 - 3.5.02

**Application Number:** 12753328.9

**Publication Number:** 2745362

**IPC:** H01T13/16, H01T13/50, F02P23/04

**Language of the proceedings:** EN

**Title of invention:**  
Corona igniter including temperature control features

**Patent Proprietor:**  
Federal-Mogul Ignition Company

**Opponent:**  
BorgWarner Ludwigsburg GmbH

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 101(1)

**Keyword:**  
Admissibility of appeal - missing statement of grounds



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

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Case Number: T 2616/18 - 3.5.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.02**  
**of 11 April 2019**

**Appellant:** Federal-Mogul Ignition Company  
(Patent Proprietor) 26555 Northwestern Federal Highway  
Southfield, MI 48033 (US)

**Representative:** De Bonis, Paolo  
Buzzi, Notaro & Antonielli d'Oulx  
Corso Vittorio Emanuele 11, 6  
10123 Torino (IT)

**Respondent:** BorgWarner Ludwigsburg GmbH  
(Opponent) Mörikestrasse 155  
71636 Ludwigsburg (DE)

**Representative:** Twelmeier Mommer & Partner  
Patent- und Rechtsanwälte  
Westliche Karl-Friedrich-Strasse 56-68  
75172 Pforzheim (DE)

**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
14 August 2018 concerning maintenance of the  
European Patent No. 2745362 in amended form.**

**Composition of the Board:**

**Chairman** R. Lord  
**Members:** C. Vassoille  
R. Cramer

### **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Opposition Division of 29 June 2018, posted on 14 August 2018.
- II. The patent proprietor filed a notice of appeal on 24 October 2018 and paid the appeal fee on the same day.
- III. By communication of 17 January 2019, 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:



A. Vottner

R. Lord

Decision electronically authenticated