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**Datasheet for the decision  
of 18 May 2020**

**Case Number:** T 2592/19 - 3.2.04

**Application Number:** 12769434.7

**Publication Number:** 2764231

**IPC:** F02M26/32, F28D21/00, F28F1/40,  
F28D7/16, F28F3/02

**Language of the proceedings:** EN

**Title of invention:**  
HEAT EXCHANGER FOR GASES, ESPECIALLY ENGINE EXHAUST GASES

**Patent Proprietor:**  
Valeo Termico S.A.

**Opponent:**  
MAHLE International GmbH

**Headword:**

**Relevant legal provisions:**  
EPC Art. 108

**Keyword:**  
Admissibility of appeal - (no) - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

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Case Number: T 2592/19 - 3.2.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.04**  
**of 18 May 2020**

**Appellant:** Valeo Termico S.A.  
(Patent Proprietor) Carretera de Logrono km 8,9  
50011 Zaragoza (ES)

**Representative:** Tran, Chi-Hai  
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**Respondent:** MAHLE International GmbH  
(Opponent) Pragstrasse 26-46  
70376 Stuttgart (DE)

**Representative:** Grauel, Andreas  
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Patentanwaltskanzlei  
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**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 8 July 2019  
revoking European patent No. 2764231 pursuant to  
Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chairman** A. de Vries  
**Members:** S. Oechsner de Coninck  
W. Van der Eijk

## **Summary of Facts and Submissions**

I. The appeal is directed against the decision of the Opposition Division of 6 June 2019, posted on 8 July 2019.

II. The appellant filed a notice of appeal on 13 September 2019 and paid the appeal fee on the same day.

III. By communication of 2 December 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:



G. Magouliotis

A. de Vries

Decision electronically authenticated