

Internal distribution code:

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

**Datasheet for the decision
of 30 June 2020**

Case Number: T 1365/20 - 3.4.03

Application Number: 18166572.0

Publication Number: 3379339

IPC: G03G15/08, G03G21/18

Language of the proceedings: EN

Title of invention:

PROCESS CARTRIDGE AND IMAGE FORMING APPARATUS

Applicant:

CANON KABUSHIKI KAISHA

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 1365/20 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 30 June 2020

Appellant: CANON KABUSHIKI KAISHA
(Patent Proprietor) 30-2 Shimomaruko 3-chome
Ohta-ku
Tokyo 146-8501 (JP)

Representative: TBK
Bavariaring 4-6
80336 München (DE)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 16 January
2020 granting a European patent pursuant to
Article 97(1) EPC.**

Composition of the Board:

Chairman G. Eliasson
Members: M. Stenger
C. Heath

Summary of Facts and Submissions

- I. The appeal is directed against the decision to grant a European patent pursuant to Article 97(1) EPC posted on 16 January 2020.
- II. The appellant filed a notice of appeal on 26 March 2020 and paid the appeal fee on the same day. While the notice of appeal contained a request for oral proceedings, no separate statement of grounds of appeal was filed.
- III. By a communication dated 12 June 2020, sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had 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 invited, within two months, to file observations and to confirm that the appellant's request for oral proceedings did not apply to the issue of inadmissibility of the appeal because no grounds of appeal have been filed in due time.
- IV. The appellant replied to the communication on 25 June 2020 and stated that "the filed request for oral proceedings does not apply to the issue of inadmissibility of the appeal because no grounds of appeal have been filed in due time. Thus, there is no need for oral proceedings and the appeal proceedings can be considered closed."

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108, third sentence, and Rule 99(2) EPC, the appeal has to be rejected as inadmissible (Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



S. Sánchez Chiquero

G. Eliasson

Decision electronically authenticated