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DECISION
of 16 November 1995

Case Number: T 0696/95 - 3.2.3

Application Number: 91905237.3

Publication Number: 0516724

IPC: F25B 9/00, F25D 17/02

Language of the proceedings: EN

Title of invention:
Cryogenic cooling apparatus

Applicant:
British Technology Group Ltd.

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 108

Keyword:
Form of appeal - in existence (no)

Decisions cited:
T 0371/92

Headnote:
-



Case Number: T 0696/95

D E C I S I O N
of the Technical Board of Appeal 3.2.3
of 16 November 1995

Appellant: British Technology Group Ltd.
101 Newington Causeway
London SE1 6BU (GB)

Representative: -

Decision under appeal: Decision of the Examining Division of the European Patent Office dated 22 March 1995 refusing European patent application No. 91 905 237.3 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: C. T. Wilson
Members: H. Andrä
L. C. Mancini

Summary of Facts and Submissions

- I. European patent application No. 91 905 237.3 (EP-A-0 516 724) was refused by decision of the Examining Decision dated 22 March 1995.
- II. On 1 May 1995 an appeal fee was paid. No notice of appeal was filed.
- III. By telefax of 31 October 1995, the Appellant informed the Board that the appeal fee had been paid in error, since he had abandoned any interest in the application. He therefore requested that the appeal fee be refunded.

Reasons for the Decision

1. Since no notice of appeal has been filed within two months after the date of notification of the decision to refuse the application in accordance with Article 108 EPC, no appeal has ever existed, payment of the appeal fee not in itself constituting the valid filing of the appeal, (see decision T 371/92, OJ 95, 324). Under these circumstances the appeal fee is to be reimbursed.

Order

For these reasons it is decided that:

Reimbursement of the appeal fee is ordered.

The Registrar:



N. Maslin

The Chairman:



C. T. Wilson

