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D E C I S I O N
of 23 May 2000

Case Number: T 0279/99 - 3.2.4

Application Number: 92310345.1

Publication Number: 0542547

IPC: F02M 37/22

Language of the proceedings: EN

Title of invention:

Fuel tank filter

Patentee:

FILTERTEK, INC.

Opponent:

KUSS S.N.C.

Headword:

-

Relevant legal provisions:

EPC Art. 108

R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0279/99 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 23 May 2000

Appellant: KUSS S.N.C.
(Opponent) Z.I. du Grand Guélen
29556 Quimper, Cedex 9 (FR)

Representative: Patentanwälte Gesthuysen, von Rohr
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Huysenallee 100
D-45128 Essen (DE)

Respondent: FILTERTEK, INC.
(Proprietor of the patent) P.O. Box 135
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Illinois 60034 (US)

Representative: Brose, D. Karl
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 21 January 1999
rejecting the opposition filed against European
patent No. 0 542 547 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: C. A. J. Andries
Members: M. G. Hatherly
R. E. Teschemacher

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office rejecting the opposition pursuant to Article 102(2) EPC. The decision was dispatched by registered letter with advice of delivery to each party on 21 January 1999.

The Appellant (Opponent) filed a notice of appeal on 16 March 1999 and paid the appeal fee on the same day.

No Statement of Grounds was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

II. By a communication dated 17 February 2000 sent by registered letter with advice of delivery, the Registry of the Board informed the Appellant that no Statement of Grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.

III. No answer has been given to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

G. Magouliotis

C. Andries