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**D E C I S I O N**  
**of 20 June 2002**

**Case Number:** T 0469/01 - 3.2.4

**Application Number:** 94202168.4

**Publication Number:** 0636312

**IPC:** A01K 1/12

**Language of the proceedings:** EN

**Title of invention:**

A construction for automatically milking animals

**Patentee:**

MAASLAND N.V.

**Opponent:**

Prolion B.V.

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0469/01 - 3.2.4

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.4**  
**of 20 June 2002**

**Appellant:** Prolion B.V.  
(Opponent) Kromme Spieringweg 248 b  
NL-2141 AA Vijhuizen (NL)

**Representative:** Uittenbogaart, Gustaaf Adolf  
Indeig B.V.  
P.O. Box 3  
NL-2050 AA Overveen (NL)

**Respondent:** MAASLAND N.V.  
(Proprietor of the patent) Weverskade 10  
NL-3155 PD Maasland (NL)

**Representative:** Corten, Maurice Jean F.M.  
Octrooibureau Van der Lely N.V.  
Weverskade 10  
NL-3155 PD Maasland (NL)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 12 February 2001  
rejecting the opposition filed against European  
patent No. 0 636 312 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** C. A. J. Andries  
**Members:** P. Petti  
C. Holtz

## **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 12 February 2001.

The Appellant (Opponent) filed a notice of appeal on 13 April 2001 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 19 March 2002 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