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DECISION of 30 August 2002

T 0236/02 - 3.2.5 Case Number:

Application Number: 94111653.5

Publication Number: 0636495

B41M 5/26 IPC:

Language of the proceedings: EN

Title of invention:

IC card having image information

Patentee:

KONICA CORPORATION

Opponent:

Giesecke & Devrient GmbH

Headword:

Relevant legal provisions:

EPC Art. 108 EPC R. 65(1)

Keyword:

"Missing statement setting out the grounds of appeal"

Decisions cited:

Catchword:



Europäisches Patentamt

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Boards of Appeal

Chambres de recours

Case Number: T 0236/02 - 3.2.5

DECISION
of the Technical Board of Appeal 3.2.5
of 30 August 2002

Appellant: Giesecke & Devrient GmbH (Opponent) Prinzregentenstr. 159 D-81677 München (DE)

Representative: -

Respondent: KONICA COPORATION

(Proprietor of the patent) 26-2, Nishishinjuku 1-chome

Shinjuku-ku Tokyo 163 (JP)

Representative: Henkel, Feiler, Hänzel

Möhlstrasse 37

D-81675 München (DE)

Decision under appeal: Interlocutory decision of the Opposition Division

of the European Patent Office posted 21 December

2001 concerning maintenance of the European

Patent No. 0 636 495 in amended form.

Composition of the Board:

Chairman: W. Moser
Members: W. Widmeier

W. R. Zellhuber

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Summary of Facts and Submissions

I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 21 December 2001, maintaining the European patent No. 0 636 495 in amended form.

The appellant (patent proprietor) filed a notice of appeal on 27 February 2002 and paid the fee for appeal on the same date.

No statement setting out the grounds of appeal was filed. In addition, the notice of appeal contains nothing that could be regarded as a statement within the meaning of Article 108 EPC, third sentence.

- II. By a communication sent by registered letter with advice of delivery on 6 June 2002, and received by the appellant on 7 June 2002, the Registry of the Board informed the appellant that no statement setting out the grounds of appeal 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. The attention of the appellant was also drawn to Rule 84a EPC and to Article 122 EPC.
- 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

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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:

M. Dainese W. Moser