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**D E C I S I O N**  
**of 8 November 2002**

**Case Number:** T 0560/02 - 3.3.7

**Application Number:** 95926809.5

**Publication Number:** 0785866

**IPC:** B32B 15/01

**Language of the proceedings:** EN

**Title of invention:**

A bimetallic strip for a sliding bearing and process for producing said bimetallic strip

**Patentee:**

METAL LEVE S/A. INDUSTRIA E COMERCIO

**Opponent:**

DANA Corporation  
Federal-Mogul Wiesbaden GmbH

**Headword:**

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**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 0560/02 - 3.3.7

**D E C I S I O N**  
**of the Technical Board of Appeal 3.3.7**  
**of 8 November 2002**

**Appellant:** METAL LEVE S/A, INDUSTRIA E COMERCIO  
(Proprietor of the patent) Rua Brasilio Luz 535  
BR-04746-901 Sao Paulo, SP (BR)

**Representative:** Kehl, Günther, Dipl.-Phys.  
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**Respondents:** DANA Corporation  
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**Representative:** Goddard, David John  
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**Representative:** Fuchs Mehler Weiss & Fritzsche  
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**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 26 March 2002  
revoking European patent No. 0 785 866 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** R. E. Teschemacher

**Members:** B. L. ter Laan

P. A. Gryczka

## Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 26 March 2002 revoking European patent No. 0 785 866 pursuant to Article 102(1) EPC.

The Appellant (Proprietor of the patent) filed a notice of appeal on 28 May 2002 and paid the fee for appeal on 31 May 2002.

No statement of ground 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 21 August 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 informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

- III. No answer has been received within the given time limit to the Registry's communication.

- IV. By letter dated 4 November 2002 the Appellant withdrew its request for oral proceedings.

### **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:

C. Eickhoff

R. Teschemacher