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I N T E R L O C U T O R Y D E C I S I O N
of 21 July 2003

Case Number: T 0709/02 - 3.2.7

Application Number: 94913771.5

Publication Number: 0697918

IPC: B05B 11/06

Language of the proceedings: EN

Title of invention:
Liquid dispensing apparatus

Patentee:
Bolton, Terence William

Opponent:
Belaysia S.à.r.l.

Headword:
Inadmissible appeal/BOLTON

Relevant legal provisions:
EPC Art. 107, 108

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0709/02 - 3.2.7

INTERLOCUTORY DECISION
of the Technical Board of Appeal 3.2.7
of 21 July 2003

Appellant: Belaysia S.à.r.l.
(Opponent) rue des Roses, 43
L-2445 Luxembourg (LU)

Appellant: Bolton, Terence William
(Proprietor of the patent) Roxburgh, 19 Silverwells Crescent
Bothwell
Glasgow G71 8DR (GB)

Representative: Fry, Alan Valentine
FRY HEATH & SPENCE LLP
The Gables
Massetts Road
Horley
Surrey RH6 7DQ (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
6 May 2002 concerning maintenance of European
patent No. 0697918 in amended form.

Composition of the Board:

Chairman: A. Burkhart
Members: P. A. O'Reilly
C. Holtz

Summary of Facts and Submissions

- I. An opposition was filed by opponent Belaysia s.a.r.l against European patent No. 0 697 918. On 6 May 2002, the Opposition Division took a decision maintaining the patent in amended form having taken account of amendments made by the patent proprietor.
- II. On 4 July 2002, Lim Promotion B V filed a notice of appeal and paid the appeal fee. It also informed the EPO that Belaysia had transferred "the application" to Lim Promotions B.V. In a second submission dated the same day, signed by the same person signing the notice of appeal in the name of Lim Promotions B.V., it was stated that Belaysia s.à.r.l confirmed the transfer.
- III. The patent proprietor filed an appeal on 5 July 2002, paid the appeal fee on 8 July 2002 and filed grounds of appeal on 4 September 2002.
- IV. The opponent Belaysia s.à.r.l was informed in a communication dated 29 October 2002 that no grounds of appeal had been filed and that it could be expected that the appeal would be declared inadmissible. Attention was furthermore drawn to Rule 84 a EPC and to Article 122 EPC. The appellant Lim Promotions B.V. was informed in a similar communication dated 9 December 2002 of the same deficiency.
- V. Neither Belaysia s.a.r.l nor Lim Promotions B.V. have filed any submissions subsequently to the above communications.

Reasons for the Decision

1. No grounds of appeal have been filed by the opponent/appellant, nor have any submissions been filed in response to the communications, The notice of appeal does not contain anything that could serve as grounds for the appeal.

Order

For these reasons it is decided that:

The appeal filed by Lim Promotions B.V. is rejected as inadmissible.

The Registrar:

The Chairman:

D. Spigarelli

A. Burkhart