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D E C I S I O N
of 14 September 2005

Case Number: T 0617/04 - 3.2.4

Application Number: 96202319.8

Publication Number: 0761100

IPC: A22C 21/06

Language of the proceedings: EN

Title of invention:

Apparatus for opening the body cavity of a slaughtered bird

Patentee:

Maschinefabriek Meyn B.V.

Opponent:

Stork PMT 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 0617/04 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 14 September 2005

Appellant:
(Opponent)

Stork PMT B.V.
Handelstraat 3
NL-5831 AV Boxmeer (NL)

Representative:

Dorna, Peter
Algemeen Octrooi- en Merkenbureau
P.O. Box 645
NL-5600 AP Eindhoven (NL)

Respondent:
(Proprietor of the patent)

Machinefabriek Meyn B.V.
Noordeinde 68
NL-1511 AE Oostzaan (NL)

Representative:

Van Breda, Jacobus
Octrooibureau Los & Stigter
P.O. Box 20052
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Decision under appeal:

Decision of the Opposition Division of the
European Patent Office posted 12 March 2004
rejecting the opposition filed against European
patent No. 0761100 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: M. Ceyte
Members: C. Scheibling
T. Bokor

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 March 2004.

The Appellant (Opponent) filed a notice of appeal on 11 May 2004 and paid the appeal fee on the same day.

No statement setting out the grounds of appeal was filed.

II. By a communication dated 26 August 2004 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 and the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC, 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

M. Ceyte