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**Datasheet for the decision  
of 25 February 2008**

**Case Number:** T 0664/07 - 3.2.01

**Application Number:** 02076594.7

**Publication Number:** 1251067

**IPC:** B64C 1/00

**Language of the proceedings:** EN

**Title of invention:**

Airframe having area-ruled fuselage keel

**Patentee:**

The Boeing Company

**Opponent:**

Airbus SAS

**Headword:**

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**Relevant legal provisions:**

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**Relevant legal provisions (EPC 1973):**

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 0664/07 - 3.2.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.01  
of 25 February 2008

**Appellant:** The Boeing Company  
(Patent Proprietor) P.O. Box 3707  
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Seattle  
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**Representative:** Ruhrmann, Andrea Elizabeth  
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**Respondent:** Airbus SAS  
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**Representative:** Bonnans, Arnaud  
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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
21 February 2007 concerning maintenance of  
European patent No. 1251067 in amended form.

**Composition of the Board:**

**Chairman:** S. Crane  
**Members:** J. Osborne  
G. Weiss

## **Summary of Facts and Submissions**

I. The appeal is directed against the decision posted 21 February 2007 according to which it was found that, account being taken of amendments made by the patent proprietor during the opposition proceedings, the European patent No. 1 251 067 and the invention to which it relates meet the requirements of the EPC 1973.

The appellant (patent proprietor) filed a notice of appeal on 13 April 2007 and paid the fee for appeal on the same day.

II. By a communication dated 8 August 2007, sent by registered post with acknowledgement of receipt, the registry of the Board informed the appellant that it appeared that no written statement of grounds of appeal had been filed and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months.

III. No observations were received in response to said communication.

## **Reasons for the Decision**

No written statement setting out the grounds of appeal has been filed. Furthermore, the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC 1973. The appeal therefore has to be rejected as inadmissible (Rule 65(1) EPC 1973).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

A. Vottner

S. Crane