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

**Case Number:** T 1120/07 - 3.2.01

**Application Number:** 01128535.0

**Publication Number:** 1211164

**IPC:** B62D 25/08

**Language of the proceedings:** EN

**Title of invention:**

Radiator support structure of motor vehicle

**Patentee:**

Calsonic Kansei Corporation

**Opponents:**

Hella-Behr Fahrzeugsysteme GmbH  
LANXESS Deutschland GmbH

**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 1120/07 - 3.2.01

**DECISION**  
of the Technical Board of Appeal 3.2.01  
of 25 February 2008

**Appellant:** Calsonic Kansei Corporation  
(Patent Proprietor) 24-15, Minamidai 5-chome  
Nakano-ku  
Tokyo 164-8602 (JP)

**Representative:** Grünecker, Kinkeldey,  
Stockmaier & Schwanhäusser  
Anwaltssozietät  
Maximilianstraße 58  
D-80538 München (DE)

**Respondents:** Hella-Behr Fahrzeugsysteme GmbH, et al  
(Opponent 01) Rixbecker Straße 75  
D-59557 Lippstadt (DE)

**Representative:** Elbertzhagen, Otto  
Patentanwälte Thielking & Elbertzhagen  
Gadderbaumer Straße 14  
D-33602 Bielefeld (DE)

(Opponent 02) LANXESS Deutschland GmbH  
Kaiser-Wilhelm-Allee  
D-51369 Leverkusen (DE)

**Representative:** -

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
26 April 2007 concerning maintenance of  
European patent No. 1211164 in amended form.

**Composition of the Board:**

**Chairman:** S. Crane  
**Members:** J. Osborne  
S. Hoffmann  
C. Narcisi  
G. Weiss

## **Summary of Facts and Submissions**

I. The appeal is directed against the decision posted 26 April 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. 1 211 164 and the invention to which it relates meet the requirements of the EPC 1973.

The appellant (patent proprietor) filed a notice of appeal on 2 July 2007 and paid the fee for appeal on the same day.

II. By a communication dated 15 October 2007, sent by registered post with advice of delivery, 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. In a letter dated 30 November 2007 the appellant stated that the statement of grounds was deliberately not filed.

## **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