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**Datasheet for the decision  
of 1 February 2010**

**Case Number:** T 0334/09 - 3.2.01

**Application Number:** 03007327.4

**Publication Number:** 1369338

**IPC:** B62D 5/04

**Language of the proceedings:** EN

**Title of invention:**

Back-drivable steer-by-wire system with positive scrub radius

**Applicant:**

Bayerische Motoren Werke Aktiengesellschaft, et al

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101 (1)

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

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**Keyword:**

"Admissibility of appeal (no)"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0334/09 - 3.2.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.01  
of 1 February 2010

**Appellant:** Bayerische Motoren Werke Aktiengesellschaft  
Petuelring 130  
D-80809 München (DE)

**Representative:** Schmidt, Günter H. H.  
Bayerische Motoren Werke AG  
Patentabteilung AJ-3  
D-80788 München (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 19 August 2008  
refusing European patent application  
No. 03007327.4 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** S. Crane  
**Members:** C. Narcisi  
S. Hoffmann

## **Summary of Facts and Submissions**

I. The appeal is directed against the decision of the Examining Division of the European Patent Office, posted 19 August 2008, refusing the European patent application No. 03 007 327.4.

The Appellant filed a notice of appeal on 6 September 2008 requesting that a patent be granted and making an auxiliary request for oral proceedings. The fee for appeal was paid on the same day.

II. By a communication dated 20 February 2009, 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. On 26 March 2009 the Appellant confirmed the receipt of this communication with a facsimile.

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 within the time limit provided for in Article 108 EPC. Furthermore, the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC. The appeal therefore has to be rejected as inadmissible (Rule 101 (1) EPC).

**Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

A. Vottner

S. Crane