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**Datasheet for the decision  
of 16 July 2009**

**Case Number:** T 1098/09 - 3.2.08

**Application Number:** 98954095.0

**Publication Number:** 1055010

**IPC:** C22C 33/02

**Language of the proceedings:** EN

**Title of invention:**

High density forming process with powder blends

**Applicant:**

STACKPOLE LIMITED

**Headword:**

Missing statement of grounds

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

-

**Decisions cited:**

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**Catchword:**

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Case Number: T 1098/09 - 3.2.08

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.08  
of 16 July 2009

**Appellant:** STACKPOLE LIMITED  
2430 Royal Windsor Drive  
Mississauga  
Ontario L5J 1K7 (CA)

**Representative:** Tunstall, Christopher Stephen  
Carpmaels & Ransford  
43-45 Bloomsbury Square  
London WC1A 2RA (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 4 December 2008  
refusing European application No. 98954095.0  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** T. Kriner  
**Members:** R. Ries  
E. Dufrasne

## Summary of Facts and Submissions

I. The appeal lies from the decision of the examining division of the European Patent Office refusing European patent application No. 98 954 095.0. The decision was dispatched by registered letter with advice of delivery to the applicant on 4 December 2008.

The appellant filed a notice of appeal by a letter received on 4 February 2009. The payment of the appeal fee was recorded on the same day.

No separate statement of grounds was filed.

II. By a communication dated 28 May 2009 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 and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

III. The appellant in his letter of 23 June 2009 informed the board that he did not wish to file any observation in response to the communication of 28 May 2009.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal contains nothing that could be regarded as statement of grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

## **Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

V. Commare

T. Kriner