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**Datasheet for the decision
of 9 June 2011**

Case Number: T 1820/10 - 3.2.07

Application Number: 99956190.5

Publication Number: 1135300

IPC: B65D 17/32

Language of the proceedings: EN

Title of invention:

Small diameter can end with large opening

Patent Proprietor:

CROWN Packaging Technology, Inc.

Opponents:

Stolle Machinery, Inc.
Rexam Beverage Can Company

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:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1820/10 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
of 9 June 2011

Appellant: Rexam Beverage Can Company
(Opponent 02) 8770 West Bryn Mawr Avenue
Chicago, Illinois 60631 (US)

Representative: Brunner, Michael John
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Respondent: CROWN Packaging Technology, Inc.
(Patent Proprietor) 11535 South Central Avenue
Alsip, IL 60803-2599 (US)

Representative: HOFFMANN EITLÉ
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Party as of rights: Stolle Machinery, Inc.
(Opponent 01) 2900 Campbell Road
Sidney, Ohio 45358 (US)

Representative: Stute, Ivo Peter
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
1 July 2010 concerning maintenance of the
European patent No. 1135300 in amended form.

Composition of the Board:

Chairman: H. Meinders
Members: P. O'Reilly
E. Dufrasne
H.-P. Felgenhauer
I. Beckedorf

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 1 July 2010 concerning maintenance of the European patent No. 1 135 300 in amended form.

The appellant (opponent 02) filed a notice of appeal on 31 August 2010 and paid the fee for appeal on the same day.

No statement of grounds was filed.

- II. By a communication dated 16 December 2010 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 its 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

1. The notice of appeal filed on 31 August 2010 contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
2. As no written statement setting out the grounds of appeal has been filed the appeal has to be rejected as

inadmissible (Article 108 EPC, third sentence, in conjunction with Rule 101(1) EPC).

3. The auxiliary request for oral proceedings filed by the appellant with its notice of appeal was associated with its request for having the first instance's decision set aside and the patent revoked in its entirety.

By the communication dated 16 December 2010 of the registry of the Board, the appellant has been made aware that in the absence of a statement of grounds, its appeal could be expected to be rejected as inadmissible.

In the absence of a reply to that communication, there are no submissions from the appellant as to the admissibility of its appeal, nor an auxiliary request for oral proceedings related to that admissibility.

Therefore, the Board considers that the decision can be issued without holding oral proceedings.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

C. Eickhoff

H. Meinders