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**Datasheet for the decision  
of 14 June 2011**

**Case Number:** T 2441/10 - 3.4.02

**Application Number:** 97903882.5

**Publication Number:** 0877920

**IPC:** G01M1/00, G01M1/22, G01M17/02

**Language of the proceedings:** EN

**Title of invention:**  
WHEEL BALANCER WITH SERVO MOTOR

**Patentee:**  
HUNTER ENGINEERING COMPANY

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 101(1)

**Keyword:**  
"Missing statement of grounds"



Case Number: T2441/10 - 3.4.02

**D E C I S I O N**  
**of the Technical Board of Appeal 3.4.02**  
**of 14 June 2011**

**Appellant:** HUNTER ENGINEERING COMPANY  
(Patent Proprietor ) 11250 Hunter Drive  
Bridgeton, MO 63044 (US)

**Representative:** Machtalère, Georges  
Dennemeyer & Associates S.A.  
55, rue des Bruyères  
1274 Howald (LU)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted 20 July 2010  
revoking European patent No. 0877920 pursuant to  
Article 101(2) EPC.**

**Composition of the Board:**

**Chairman:** A. G. Klein  
**Members:** F. J. Narganes-Quijano  
B. Müller

## **Summary of Facts and Submissions**

- I. The appeal is against the decision of the opposition division dated 20 July 2010 revoking European patent No. 0877920.

The former (and sole) opponent withdrew its opposition prior to the decision under appeal.

The appellant (patent proprietor) filed a notice of appeal on 17 August 2010 and paid the appeal fee on the same day. The appellant requested setting aside of the decision under appeal and the maintenance of the patent as granted or in amended form and, on an auxiliary basis, oral proceedings.

No statement setting out the grounds of appeal was filed within the time limit prescribed by Article 108 EPC.

- II. By a communication dated 21 December 2010 sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no written statement of grounds of appeal had been received and that the appeal was expected to be rejected as inadmissible. The appellant was invited to file observations within two months.

By letter dated 17 May 2011 the appellant withdrew its auxiliary request for oral proceedings.

## **Reasons for the Decision**

Whilst the notice of appeal was filed within the time limit set out in Article 108 EPC and the appeal fee was

also paid within that time limit, no written statement setting out the grounds of appeal has been filed within the time limit prescribed by Article 108 EPC. In addition, the notice of appeal contains nothing that could be regarded as a statement of grounds of appeal within the meaning of Article 108 and Rule 99(2) EPC.

In reply to the Registry's communication dated 21 December 2010, the appellant expressly withdrew its previous request for oral proceedings and made no comment on the issue of the admissibility of the appeal.

In view of the above considerations, 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:

M. Kiehl

A. G. Klein