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**Datasheet for the decision  
of 5 May 2011**

**Case Number:** T 0025/11 - 3.2.05

**Application Number:** 06735011.6

**Publication Number:** 1866143 / WO 2006/08851

**IPC:** B29C 70/38

**Language of the proceedings:** EN

**Title of invention:**  
Modular head lamination device and method

**Applicant:**  
The Boeing Company

**Opponent:**  
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**Headword:**  
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**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 101, 103

**Keyword:**  
"Admissibility of the appeal - no"  
"Refund of the appeal fee - no"

**Decisions cited:**  
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**Catchword:**  
-



Case Number: T 0025/11 - 3.2.05

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.05  
of 5 May 2011

**Appellant:** The Boeing Company  
(Applicant) 100 North Riverside Plaza  
Chicago, IL 60606 (US)

**Representative:** Wegener, Markus  
Witte, Weller & Partner  
Patentanwälte  
Postfach 10 54 62  
D-70047 Stuttgart (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 12 July 2010  
refusing European application No. 06735011.6  
pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** W. Zellhuber  
**Members:** S. Bridge  
M. J. Vogel

## Summary of Facts and Submissions

- I. The appeal lies against the decision of the Examining Division of the European Patent Office taken at the oral proceedings held on 27 April 2010 to refuse the European patent application No. 06735011.6 for lack of inventive step (Article 56 EPC). The decision was posted to the appellant on 12 July 2010. The appellant filed a notice of appeal on 17 September 2010 and paid the fee for appeal on the same date. Oral proceedings were requested. No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement within the meaning of Article 108 EPC.
- II. On 14 December 2010 the appellant filed a request for the refund of the appeal fee.
- III. By a communication dated 26 January 2011, sent by registered letter with advice of delivery and received by the appellant on 28 January 2011 the Registry of the Board informed the appellant that
- the request for a refund of the appeal fee was filed after the period set for filing the grounds of appeal and, in consequence, cannot be satisfied (Rule 103(1)(b) EPC),
  - no statement of grounds had been filed and
  - that the appeal would be expected to be rejected as inadmissible.
- In the same communication, the appellant was requested to indicate whether his request for oral proceedings was maintained.

IV. On 11 February 2011 the appellant filed a response to the above communication indicating that the request for oral proceedings was not maintained.

### **Reasons for the Decision**

1. As no written statements setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC, third sentence and Rule 101(1) EPC).
2. The request for a refund of the appeal fee cannot be satisfied, because it was filed after the four month period set for filing the grounds of appeal (Article 108 EPC and Rule 103(1)(b) EPC).

### **Order**

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

1. The appeal is rejected as inadmissible.
2. The request for a refund of the appeal fee is refused.

The Registrar:

The Chairman:

D. Meyfarth

W. Zellhuber