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

Case Number: T 0179/11 - 3.3.05

Application Number: 00962846.2

Publication Number: 1142619

IPC: B01D 39/20

Language of the proceedings: EN

Title of invention:

Honeycomb filter and ceramic filter assembly

Patentee:

IBIDEN CO., LTD.

Opponent:

Saint-Gobain Centre de Recherches et d'Etudes Européen

Headword:

Honeycomb/IBIDEN

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Appeal inadmissible: absence of statement of grounds"

Decisions cited:

T 1042/07, T 0234/10

Catchword:

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Case Number: T 0179/11 - 3.3.05

DECISION
of the Technical Board of Appeal 3.3.05
of 9 August 2011

Appellant: IBIDEN CO., LTD.
(Patent Proprietor) 1, Kanda-cho 2-chome
Ogaki-shi, Gifu-ken 503-8604 (JP)

Representative: Hager, Thomas Johannes
Hoefer & Partner
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Respondent: Saint-Gobain Centre de Recherches et d'Etudes
(Opponent) Européen
"Les Miroirs"
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Representative: Teyssedre, Laurent
Saint-Gobain Recherche
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 9 November 2010
revoking European patent No. 1142619 pursuant
to Article 101(2) and (3)(b) EPC.

Composition of the Board:

Chairman: G. Rath
Members: J.-M. Schwaller
S. Hoffmann

Summary of Facts and Submissions

- I. The patent proprietor (hereinafter "the appellant") filed on 19 January 2011 a notice of appeal against the decision of the opposition division dated 9 November 2010, whereby the European patent No. 1 142 619 was revoked under Article 101(2) and (3)(b) EPC. The appeal fee was paid on the same day. In its notice of appeal, the appellant requested oral proceedings if the board of appeal intended not to allow the appeal. No statement of grounds of appeal was filed within the time limit set for by Article 108 EPC.

- II. By a communication dated 9 May 2011 sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months but it did not reply to said communication, and no request for re-establishment of rights was filed.

Reasons for the Decision

1. As no written statement setting out the grounds of appeal has been filed, and as the notice of appeal does not contain any statement that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

2. Since the appellant has not provided any statement as to the substantive merits of its appeal, nor has it given any explanation or comment as to why no statement of grounds had been filed, and has not reacted to the board's notification of an impending rejection of the appeal as inadmissible, the board considers the initial auxiliary request for oral proceedings to have become obsolete as a consequence of the subsequent course of action taken. The lack of any response to the board's notification is considered to be equivalent to an abandonment of the request for oral proceedings (see T 1042/07 of 22 August 2008, point 3 of the reasons; T 234/10 of 25 November 2010, point 2 of the reasons).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

C. Vodz

G. Raths