

Internal distribution code:

- (A) [] Publication in OJ
(B) [] To Chairmen and Members
(C) [X] To Chairmen
(D) [] No distribution

**Datasheet for the decision
of 4 August 2011**

Case Number: T 0914/11 - 3.3.05

Application Number: 06794112.0

Publication Number: 1937396

IPC: B01F 3/04

Language of the proceedings: EN

Title of invention:
Cooler

Applicant:
Waterix Oy

Opponent:
-

Headword:
Cooler/WATERIX OY

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

Relevant legal provisions (EPC 1973):
-

Keyword:
"Admissibility of the appeal (no)"
"Missing statement of grounds of appeal"

Decisions cited:
-

Catchword:
-



Case Number: T 0914/11 - 3.3.05

D E C I S I O N
of the Technical Board of Appeal 3.3.05
of 4 August 2011

Appellant:

Waterix Oy
Luoteisrinne 5
FI-02270 Espoo (FI)

Representative:

Söderman, Lisbeth Karin
Borenus & Co Oy Ab
Tallberginkatu 2 A
FI-00180 Helsinki (FI)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 21 October 2010
refusing European patent application
No. 06794112.0 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: G. Raths
Members: E. Waeckerlin
S. Hoffmann

Summary of Facts and Submissions

I. The appeal is directed against the decision of the examining division of the European Patent Office dated 28 September 2010 and posted on 21 October 2010, refusing the European patent application No. 06 794 112.0.

II. The appellant (applicant) filed a notice of appeal on 21 December 2010 and paid the fee for appeal on the same day.

No statement of the grounds of appeal was filed within the time limit of four months laid down in Article 108 EPC, third sentence.

III. By a communication dated 19 May 2011 sent by registered letter with advice of delivery, the Registrar of the Board informed the appellant that no statement of grounds of appeal had been filed, and that it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108 EPC, third sentence, in conjunction with Rule 101(1) EPC. The appellant was invited to file any observations within two months of notification of the communication.

IV. No reply was filed by the appellant in response to the Registrar's communication.

Reasons for the Decision

1. The notice of appeal filed on 21 December 2010 contains nothing that could be regarded as a statement of grounds of appeal 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 pursuant to Article 108 EPC, third sentence, in conjunction with Rule 101(1) EPC.
3. The request for oral proceedings filed with the notice of appeal does not concern the new procedural situation that no grounds of appeal have been filed. As the appellant has not reacted to the board's notification of an impending rejection of the appeal as inadmissible, the board considers that no request for oral proceedings concerning the inadmissibility of the appeal is on file.

Order

For this reason it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

C. Vodz

G. Rath