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**Datasheet for the decision  
of 30 July 2018**

**Case Number:** T 0946/18 - 3.2.02

**Application Number:** 10735323.7

**Publication Number:** 2448491

**IPC:** A61B6/04, A61G13/00

**Language of the proceedings:** EN

**Title of invention:**

TABLE HAVING A CENTRAL CELLULAR HONEYCOMB STRUCTURE THERMALLY FUSED IN A SANDWICH CONFIGURATION BETWEEN TWO FIBRE-REINFORCED POLYPROPYLENE FACE SHEETS

**Applicant:**

Omnia (CS) Limited

**Headword:**

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 0946/18 - 3.2.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.02**  
**of 30 July 2018**

**Appellant:** Omnia (CS) Limited  
(Applicant) PO Box Charnwood  
The Point  
Granite Way  
Mountsorrel  
Leicestershire LE12 7TZ (GB)

**Representative:** Fox-Male, Nicholas Vincent Humbert  
Patent Outsourcing Limited  
1 King Street  
Bakewell, Derbyshire DE45 1DZ (GB)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 20 October 2017  
refusing European patent application No.  
10735323.7 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** E. Dufrasne  
**Members:** S. Böttcher  
P. L. P. Weber

## **Summary of Facts and Submissions**

I. The appeal is directed against the decision of the Examining Division, posted on 20 October 2017, to refuse the European patent application No. 10 735 323.7.

II. The appellant filed a notice of appeal on 19 December 2017 and paid the appeal fee on the same day.

In the notice of appeal the following could be read:

*"A written statement setting out the grounds of appeal is intended to be filed within four months of the date of notification of the decision.*

*As a precautionary measure, if the Appeal Board, after review of the written arguments presented in this appeal, considers maintaining the Decision under Appeal then oral proceedings by video conference in accordance with Article 116 EPC are provisionally requested."*

III. By communication of 18 April 2018, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.

IV. No reply was received.

## **Reasons for the Decision**

1. No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).
  
2. In the notice of appeal the appellant requested oral proceedings as an auxiliary measure. This means that oral proceedings were requested in case the decision of the Opposition Division could not be set aside on the basis of the grounds of appeal still to be provided. In the absence of the filing of any detailed submissions setting out the grounds of appeal this request is therefore baseless. There is also no room for interpreting this request as relating to the question of the admissibility of the appeal which is a new procedural situation.  
The attention of the appellant was drawn to this new procedural situation in the communication dated 18 April 2018 and it did not request oral proceedings so that the appeal can be dealt with in written proceedings only.

## Order

### For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



D. Hampe

E. Dufrasne

Decision electronically authenticated