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**Datasheet for the decision
of 13 January 2022**

Case Number: T 1091/21 - 3.2.01

Application Number: 15190813.4

Publication Number: 3158879

IPC: A24C5/32

Language of the proceedings: EN

Title of invention:

TRANSFER METHOD AND TRANSFERRING APPARATUS FOR TRANSFERRING
ROD-SHAPED ARTICLE

Patent Proprietor:

International Tobacco Machinery Poland Sp. z o.o.

Opponent:

G.D S.p.A.

Headword:

Relevant legal provisions:

EPC Art. 108

EPC R. 99(2), 101(1)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



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Case Number: T 1091/21 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 13 January 2022

Appellant: International Tobacco Machinery Poland Sp. z o.o.
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Representative: Bianciardi, Ezio
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
30 April 2021 concerning maintenance of the
European Patent No. 3158879 in amended form.**

Composition of the Board:

Chairman G. Pricolo
Members: S. Mangin
P. Guntz

Summary of Facts and Submissions

- I. The appeal is directed against the decision posted on 30 April 2021 according to which it was found that, account being taken of amendments made by the patent proprietor during the opposition proceedings, the European patent No. 15190813.4 and the invention to which it relates meet the requirements of the EPC.

The appellant (patent proprietor) filed a notice of appeal on 12 July 2021 and paid the fee for appeal on the same day. No statement of grounds was filed within the time limit provided by Article 108 EPC in conjunction with Rule 126(2) EPC.

- II. By a communication dated 24 September 2021, sent by registered post with acknowledgement of receipt, the registry of the Board informed the appellant that it appeared that no written statement of grounds of appeal had been filed and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months.
- III. No observations were received in response to said communication.

Reasons for the Decision

No written statement setting out the grounds of appeal has been filed. Furthermore, the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC. The appeal therefore has to be rejected as inadmissible (Rule 101 (1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



A. Vottner

G. Pricolo

Decision electronically authenticated