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**Datasheet for the decision
of 11 January 2023**

Case Number: T 1425/22 - 3.5.03

Application Number: 16183491.6

Publication Number: 3282337

IPC: G05D23/19, F24D19/10

Language of the proceedings: EN

Title of invention:

Heat exchanger system and method for detecting a relocation of a temperature sensor in a heat exchanger system

Patent Proprietor:

Danfoss A/S

Opponent:

Techem Energy Services GmbH

Headword:

No grounds of appeal

Relevant legal provisions:

EPC Art. 108

EPC R. 99(2), 101(1), 126(2)

Keyword:

Admissibility of appeal (no): missing statement of grounds



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1425/22 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 11 January 2023

Appellant: Danfoss A/S
(Patent Proprietor) Nordborgvej 81
6430 Nordborg (DK)

Representative: Patentanwälte Olbricht Buchhold Keulertz
Partnerschaft mbB
Bettinastraße 53-55
60325 Frankfurt am Main (DE)

Respondent: Techem Energy Services GmbH
(Opponent) Hauptstrasse 89
65760 Eschborn (DE)

Representative: 2K Patentanwälte Blasberg Kewitz & Reichel
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Schumannstrasse 27
60325 Frankfurt am Main (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
4 April 2022 concerning maintenance of the
European Patent No. 3282337 in amended form.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: K. Peirs
F. Bostedt

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the opposition division to reject the opposition against the present European patent.
- II. The appellant filed a notice of appeal on 3 June 2022 and paid the appeal fee on the same day. No statement setting out the grounds of appeal was received within the time limit provided by Article 108, third sentence, EPC.
- III. By communication of 13 September 2022, receipt of which was confirmed 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. The appeal is not admissible. It does not comply with the requirements set out in Article 108 EPC.
 - 1.1 No 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.

1.2 In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC and Rule 99(2) EPC.

1.3 Therefore, the appeal 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 Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated