

Veröffentlichung im Amtsblatt	Ja/Nein
Publication in the Official Journal	Yes/No
Publication au Journal Officiel	Oui/Non

Aktenzeichen / Case Number / N^o du recours : T 103/89 - 3.5.1

Anmeldenummer / Filing No / N^o de la demande : 84 901 597.9

Veröffentlichungs-Nr. / Publication No / N^o de la publication : 0 173 685

Bezeichnung der Erfindung: Article having magnetic properties and production
Title of invention: thereof
Titre de l'invention :

Klassifikation / Classification / Classement : H01F 1/113

ENTSCHEIDUNG / DECISION

vom / of / du 13 September 1989

Anmelder / Applicant / Demandeur : ICI PLC

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Stichwort / Headword / Référence :

EPÜ / EPC / CBE Article 108, Rule 65(1)

Schlagwort / Keyword / Mot clé : "Statement of grounds filed too late"

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



Case Number : T 103/89 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 13 September 1989

Appellant : IMPERIAL CHEMICAL INDUSTRIES PLC
Imperial Chemical House Millbank
London SW1P 3JF
GB

Representative : Walmsley, David Arthur Gregson
Imperial Chemical Industries PLC
Legal Department: Patents
PO Box 6
Bessemer Road
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Decision under appeal : Decision of Examining Division 052
of the European Patent Office
dated 29 August 1988 refusing
European patent application
No. 84 901 597.9 pursuant to
Article 97(1) EPC

Composition of the Board :

Chairman : P.K.J. van den Berg

Members : F. Benussi

Y.J. van Henden

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division 2.2.11.052 of the European Patent Office dated 29 August 1988 refusing the European patent application No. 84 901 597.9. The decision was dispatched by registered letter with advice of delivery to the applicant on the day it was given. The Appellant filed a notice of appeal on 27 October 1988, and paid the fee for appeal on 7 November 1988. The Statement of Grounds was filed on 20 January 1989.

- II. By a communication dated 10 May 1989 sent by registered post, the Registry of the Board informed the Appellant that the Statement of Grounds had not been filed within the time limit laid down in Article 108 and Rule 78(3) EPC and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.

- III. No answer has been given to the Registry's communication.

Reasons for the Decision

As the statement setting out the grounds of appeal has not been filed in due time, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Beer

P.K.J. van den Berg