

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

Aktenzeichen / Case Number / N° du recours : T 129/89 - 3-2-2

Anmeldenummer / Filing No / N° de la demande : 81 900 071.2

Veröffentlichungs-Nr. / Publication No / N° de la publication : 0 042 847

Bezeichnung der Erfindung: Crop collecting apparatus

Title of invention:

Titre de l'invention :

Klassifikation / Classification / Classement : A 01 D 41/14

ENTSCHEIDUNG / DECISION

vom / of / du 27 October 1989

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Massey-Ferguson Services N.V. et al

Einsprechender / Opponent / Opposant :

Claas OHG

Stichwort / Headword / Référence :

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

Schlagwort / Keyword / Mot clé :

"Statement of Grounds filed not within the
time limit"

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



Case Number : T 129 /89 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal
of 27 October 1989

Appellant :
(Opponent)

CLAAS OHG
Postfach 11 40
D-4834 Harsewinkel 1 (DE)

Representative :

Respondent :
(Proprietor of the patent)

Massey-Ferguson Services N.V. et al
Abraham de Veerstraat 7A
Curaçao Netherlands Antilles (NL)

Representative :

Jones, David Bryn
Massey-Ferguson
Stareton nr. Kenilworth
Warwickshire CV8 2LJ (GB)

Decision under appeal :

Decision of Opposition Division of the European
Patent Office dated 21 December 1988 rejecting
the opposition filed against European patent
No. 0 042 847 pursuant to Article 102(2) EPC.

Composition of the Board :

Chairman : G. Szabo

Members : L. Mancini

R. Gryc

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 21 December 1988 rejecting the opposition filed against the European patent No. 0 042 847. The decision was dispatched by registered letters with advice of delivery on 21 December 1988. The Opponent filed a Notice of Appeal by letter dated 16 February 1989, received on 17 February 1989, and paid the fee for appeal on 17 February 1989. The Statement of Grounds of Appeal was filed by letter dated 17 July 1989 and received on 20 July 1989.

- II. By a communication dated 10 August 1989 and sent by registered post, the Registry of the Board informed the Appellant that the Statement of Grounds was not filed within the time limit and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.

- III. The Appellant filed no observations in response to said communication.

Reasons for the Decision

As the Statement setting out the grounds of appeal has not been filed within the time limit, 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:

S. Fabiani

S. Fabiani

04111

The Chairman:

G. Szabo
G. Szabo