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Aktenzeichen / Case Number / N^o du recours : T 657/89-3.4.1

Anmeldenummer / Filing No / N^o de la demande : 84 850 238.1

Veröffentlichungs-Nr. / Publication No / N^o de la publication : 0 170 760

Bezeichnung der Erfindung: Serologic diagnostics of beta-streptococcal
Title of invention: infections with the use of automatic reading
Titre de l'invention : with photometer for microtitration plates

Klassifikation / Classification / Classement : G 01N 33/569

ENTSCHEIDUNG / DECISION

vom / of / du 7 February 1990

Anmelder / Applicant / Demandeur : Statens Bakteriologiska Laboratorium

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Stichwort / Headword / Référence : Serologisk Diagnostik / Bakteriologiska
Laboratorium

EPÜ / EPC / CBE

Schlagwort / Keyword / Mot clé : "Appeal inadmissible; Art. 108 and R 65(1)

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



Case Number : T 657/89-3.4.1

D E C I S I O N
of the Technical Board of Appeal 3.4.1
of 7 February 1990

Appellant : Statens Bakteriologiska Laboratorium
S-105 21 Stockholm

Representative : Rosenquist, Holger
H. Albihns Patentbyrå AB
Box 7664
S 103 94 Stockholm

Decision under appeal : Decision of Examining Division 061
of the European Patent Office
dated 3 May 1989 refusing European
patent application No. 84 850 238.1
pursuant to Article 97(1) EPC

Composition of the Board :

Chairman : K. Lederer

Members : C. Black

L. Mancini

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of 061 of the European patent Office dated 3 May 1989 refusing the European patent application No. 84 850 238.1. The decision was dispatched by registered letter with advice of delivery to the Applicant on the day it was given. Receipt of the decision was confirmed by Applicant's letter dated 26 June 1989. The Applicant filed a notice of appeal by a letter received on 6 July 1989, and paid the fee for appeal on 3 July 1989. No Statement of Grounds was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

- II. By a communication dated 17 November 1989 sent by registered post, the Registry of the Board informed the Appellant (Applicant) that no Statement of Grounds had been filed 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 no written statement setting out the grounds of appeal has been filed, 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

K. Lederer