

BESCHWERDEKAMMERN  
DES EUROPÄISCHEN  
PATENTAMTS

BOARDS OF APPEAL  
OF THE EUROPEAN  
PATENT OFFICE

CHAMBRES DE RECOURS  
DE L'OFFICE EUROPEEN  
DES BREVETS

A		B		C	X
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File Number: T 871/91 - 3.2.5  
 Application No.: 85 301 631.9  
 Publication No.: 0 160 367  
 Title of invention: Method and apparatus for operating warp knitting machines

Classification: D04B 27/24

**D E C I S I O N**  
of 21 January 1993

Applicant: Guildford Kapwood Limited

Opponent: LIBA Maschinenfabrik GmbH

Headword:

EPC Article 108

Keyword:



Case Number : T 871/91 - 3.2.5

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.5  
of 21 January 1993

**Appellant :**  
(Proprietor of the patent)

Guilford Kapwood Limited  
Birchwood Way  
Cotes Park Lane  
Somercotes  
Derbyshire DE55 4NJ (GB)

**Representative :**

McNeight, David Leslie  
McNeight & Lawrence  
Regent House  
Heaton Lane  
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**Respondent :**  
(Opponent)

LIBA Maschinenfabrik GmbH  
Postfach 1120  
W-8674 Naila (DE)

**Representative :**

Bardehle, Heinz, Dipl.-Ing.  
Patent- und Rechtsanwälte  
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**Decision under appeal :**

Decision of the Opposition Division of the  
European Patent Office dated 11 September 1991  
rejecting the opposition filed against European  
patent No. 0 160 367 pursuant to Article 102(2)  
EPC.

**Composition of the Board :**

**Chairman :** C. Payraudeau  
**Members :** A. Burkhart  
M. Liscourt

### Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 11 September 1991 revoking the European patent No. 0 160 367. The decision dated 11 September 1991 was sent by registered letter with advice of delivery to the Applicant. The Appellant filed a notice of appeal by a letter received on 11 November 1991 and paid the fee for appeal on 12 November 1991. 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 16 November 1992 sent by registered post, the Registry of the Board informed the Appellant 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 a written statement setting out the grounds of appeal has not been filed, the appeal has to be rejected as inadmissible under 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:

A. Townend

C. Payraudeau