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File Number: T 438/92 - 3.5.2

Application No.: 82 109 936.3

Publication No.: 0 078 060

Title of invention: Method and apparatus for recovering information from a selected track on a record disc

Classification: G11B 7/08

DECISION
of 15 January 1993

Applicant: DISCOVISION ASSOCIATES

Opponent: Deutsche Thomson-Brandt GmbH, Villingen-Schwenningen

Headword:

EPC Article 108, Rule 65(1)

Keyword: "Missing Statement of Grounds"



Case Number : T 438/92 - 3.5.2

D E C I S I O N
of the Technical Board of Appeal 3.5.2
of 15 January 1993

Appellant :
(Opponent)

Deutsche Thomson-Brandt GmbH, Villingen-
Schwenningen
Postfach 91 13 45
W-3000 Hannover 91 (DE)

Respondent :
(Proprietor of the patent)

DISCOVISION ASSOCIATES
3300 Hyland Avenue
Costa Mesa
California 92626 (US)

Representative :

Laight, Martin Harvey
W.H. Beck, Greener & Co.
7 Stone Buildings
Lincoln's Inn
London WC2A 3SZ (GB)

Decision under appeal :

Decision of the Opposition Division of the
European Patent Office dated 21 April 1992
rejecting the opposition filed against European
patent No. 0 078 060 pursuant to Article 102(2)
EPC.

Composition of the Board :

Chairman : E. Persson
Members : A. Hagenbucher
J. van Voorthuizen

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 21 April 1992 rejecting the opposition against the European patent No. 0 078 060. The decision was dispatched by registered letter with advice of delivery on 21 April 1992. The Opponent filed a notice of appeal by letter received on 7 May 1992 and paid the fee for appeal on the same date. No Statement of Ground 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 5 November 1992 and 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. The Appellant filed no observations in response to said communication.

Reasons for the Decision

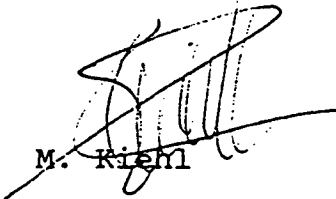
As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:

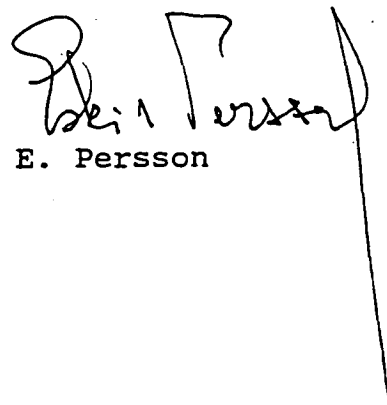
The appeal is rejected as inadmissible.

The Registrar:



M. Kiehl

The Chairman:



E. Persson

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