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File Number: T 0843/92 - 3.2.1  
Application No.: 87 104 285.9  
Publication No.: 0 231 035  
Title of invention: Saddle construction

Classification: B68C 1/02

**D E C I S I O N**  
of 4 June 1993

Proprietor of the patent: Bates Saddlery Pty. Ltd.

Opponent: 01) Thorowgood Limited  
02) Georg Kieffer Sattlerwarenfabrik GmbH

Headword:

EPC Article 108, Rule 65(1)

Keyword: "Missing Statement of Grounds"



Case Number : T 0843/92 - 3.2.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.1  
of 4 June 1993

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

Bates Saddlery Pty. Ltd.  
430 Newcastle Street  
Perth, W.A. (AU)

**Representative :**

Patentanwälte Grünecker, Kinkeldey,  
Stockmair & Partner  
Maximilianstrasse 58  
W-8000 München 22 (DE)

**Respondent :**  
(Opponent 01)

Thorowgood Limited  
Navigation Street  
Walsall, West Midlands, WS1 9LT (GB)

**Representative :**

Lucking, David John  
Forrester & Boehmert  
Franz-Joseph-Strasse 38  
W-8000 München 40 (DE)

(Opponent 02)

G. Kieffer Sattlerwarenfabrik GmbH  
Kunihohstr. 7  
W-8000 München 81 (DE)

**Representative :**

Wey, Hans-Heinrich, Dipl.-Ing.  
Patentanwälte Wey & Partner  
Widenmayerstr. 49  
W-8000 München 22 (DE)

**Decision under appeal:**

Decision of the Opposition Division of the  
European Patent Office given on 23 March 1992,  
and issued in written form on 2 July 1992,  
revoking European patent No. 0 231 035 pursuant  
to Article 102(1) EPC.

**Composition of the Board :**

**Chairman :** F. Gumbel  
**Members :** S. Crane  
P. Alting van Geusau  
J-C. de Preter  
W.M. Schar

### **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 23 March 1992 revoking the European patent No. 0 231 035.

The decision was dispatched by registered letter with advice of delivery on 2 July 1992.

The Appellant filed a notice of appeal by letter dated 1 September 1992, received on 1 September 1992, and paid the fee for appeal on 1 September 1992. 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 26 January 1993 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:**

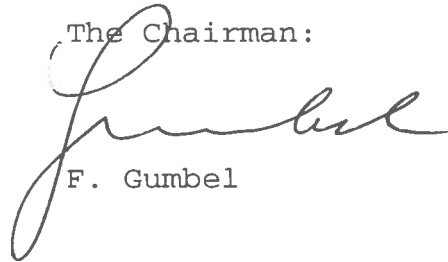
The appeal is rejected as inadmissible.

The Registrar:



S. Fabiani

The Chairman:



F. Gumbel