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File No.: T 0052/93 - 3.2.5
Application No.: 85 300 934.8
Publication No.: 0 153 138
Classification: B21D 53/06
Title of invention: Method of and apparatus for manufacturing heat exchangers and components for heat exchangers.

DECISION
of 3 september 1993

Applicant: Mooney, Brian F., et al
Proprietor of the patent:
Opponent: The Jones Group Ltd., Tube-Tec (Kilkenny) Ltd.,
Runtalrad Ltd., Tube Roller, Walter Connor;
Headword:
EPC: Art. 108
Rule 65(1)
Keyword: "Failure to file Statement of Grounds"

Headnote
Catchwords



Case Number: T 0052/93 - 3.2.5

D E C I S I O N
of the Technical Board of Appeal 3.2.5
of 3 September 1993

Appellant:
(Opponent)

The Jones Group Ltd., Tube-Tec (Kilkenny) Ltd.,
Runtalrad Ltd., Tube Rollers Ltd.,
Walter Connor
Beechill, Clonskea, 29 Sydney Parade Avenue
Dublin 4. (IE)

Representative:

Walsh, Michael Joseph
c/o Tomkins & Co.
5 Dartmouth Road
Leeson Park
Dublin 6. (IE)

Respondent:
(Proprietor of the patent)

Mooney, Brian F.
Dunningstown Road
Kilkenny
County Kilkenny (IE)

Representative:

McCarthy, Denis Alexis
MacLachlan & Donaldson
47 Merrion Square
Dublin 2. (IE)

Decision under appeal:

Decision of the Opposition Division of the
European Patent Office given on 31 August 1992 and
posted on 10 November 1992 rejecting the
opposition filed against European patent
No. 0 153 138 pursuant to Article 102(2) EPC.

Composition of the Board:

Chairman: C.V. Payraudeau
Members: A. Burkhart
H.J. Seidenschwarz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office given orally on 31 August 1992 rejecting the opposition against European patent No. 0 153 138. The decision in writing was dispatched by registered letter with advice of delivery to the parties on 10 November 1992. The Appellant filed a notice of appeal by a letter received on 11 January 1993 and paid the fee for appeal on the 8 January 1993. 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 7 June 1993 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

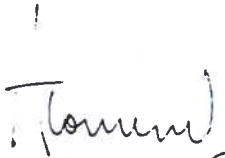
As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:

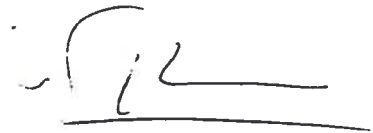
The appeal is rejected as inadmissible.

The Registrar:



A. Townend

The Chairman:



C. Payraudeau