

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 66/93 - 3.3.1

Application No.: 87 906 604.1

Publication No.: 0 340 302

Title of invention: Lubricating oil composition for gear

Classification: C10M 105/40

DECISION  
of 3 May 1993

Applicant: Tonen Corporation

Headword:

EPC Article 108; Rule 65(1)

Keyword: "Missing Statement of Grounds"





Europäisches  
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European  
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des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number : T 66/93 - 3.3.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.1  
of 3 May 1993

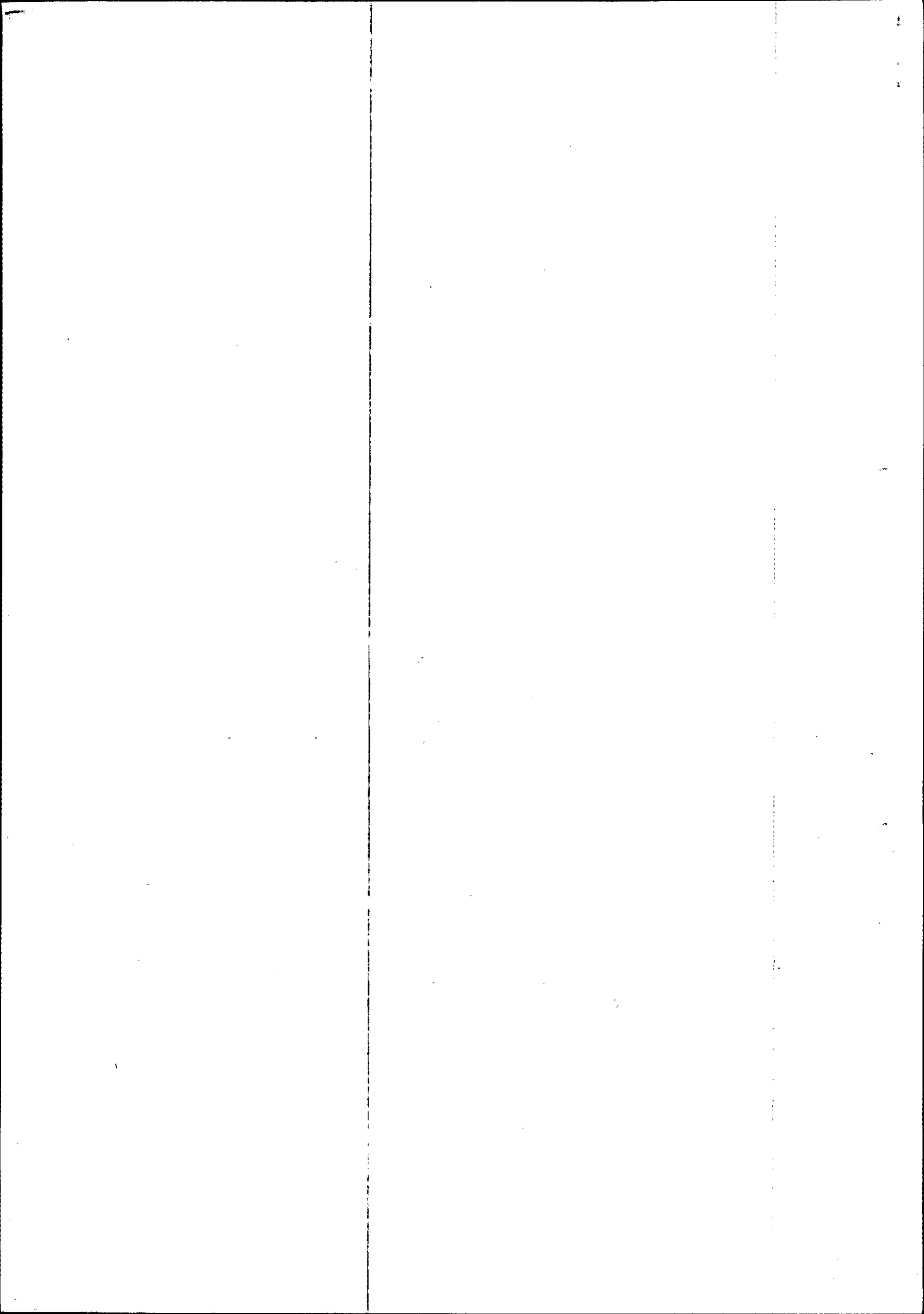
**Appellant :** Tonen Corporation  
1-1, Hitotsubashi, 1-Chome  
Chiyoda-Ku  
Tokyo (JP)

**Representative :** Holmes, Michael John  
Frank B. Dehn & Co.  
Imperial House  
15-19 Kingsway  
London WC2B 6UZ (GB)

**Decision under appeal :** Decision of the Examining Division of the  
European Patent Office dated 5 August 1992  
refusing European patent application  
No. 87 906 604.1 pursuant to Article 97(1) EPC.

**Composition of the Board :**

**Chairman :** K.J.A. Jahn  
**Members :** R.W. Andrews  
J.-C. Saisset



### Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 5 August 1992 refusing the European patent application No. 87 906 604.1. The decision was dispatched by registered letter with advice of delivery to the Applicant on the day it was given. The Appellant filed a notice of appeal by a letter received on 8 October 1992 and paid the fee for appeal on the same day. 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 February 1993 sent by registered letter with advice of delivery, 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

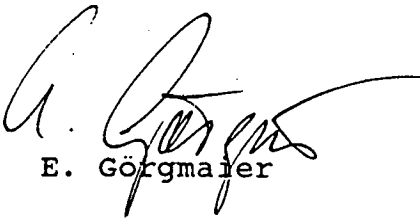
As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:

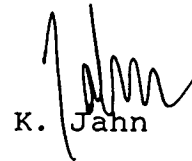
The appeal is rejected as inadmissible.

The Registrar:



E. Görgmaier

The Chairman:



K. Jahn

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