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D E C I S I O N
of 29 August 1994

Case Number: T 0101/93 - 3.2.4

Application Number: 85303516.0

Publication Number: 0164236

IPC: A41F 9/00

Language of the proceedings: EN

Title of invention:
Waistband interlining

Patentee:
H.G. GRAHAM & SON LIMITED

Opponent:
Crown Textile Company

Headword:
Missing Statement of Grounds

Relevant legal norms:
EPC Art. 108
EPC R. 65(1)

Keyword:
-

Decisions cited:
-

Catchword:
-



Case Number: T 0101/93 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 29 August 1994

Appellant:
(Proprietor of the patent) H.G. GRAHAM & SON LIMITED
Camcol House
Station Road
Morley
Leeds, LS27 8JS (GB)

Representative:
Votier, Sidney David
CARPMAELS & RANSFORD
43, Bloomsbury Square
London WC1A 2RA (GB)

Respondent:
(Opponent) Crown Textile Company
100 West Avenue
Jenkintown
Pennsylvania 19046 (US)

Representative:
Tubby, David George
MARKS & CLERK
57-60 Lincoln's Inn Fields
London WC2A 3LS (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office of 10 November 1992
forwarded by post on 26 November 1992 revoking
European patent No. 0 164 236 pursuant to
Article 102(1) EPC.

Composition of the Board:

Chairman: C. A. J. Andries
Members: R. E. Gryc
J. P. B. Seitz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office of 10 November 1992 dispatched by registered letter with advice of delivery on 26 November 1992 revoking European patent No. 0 164 236.

The Appellant filed a notice of appeal by fax received on 26 January 1993 and paid the fee for appeal on 27 January 1993.

No Statement of Grounds was received and the notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

- II. By a communication sent on 19 May 1994 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 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:



N. Maslin

The Chairman:



C. Andries

A.G. JPS