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D E C I S I O N
of 7 June 1995

Case Number: T 1060/93 - 3.2.4

Application Number: 87306857.1

Publication Number: 0256739

IPC: F02D 19/04

Language of the proceedings: EN

Title of invention:
Turbo-molecular pump

Patentee:
SEIKO SEIKI KABUSHIKI KAISHA

Opponent:
LEYBOLD AKTIENGESELLSCHAFT

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1060/93 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 7 June 1995

Appellant:
(Opponent)

LEYBOLD AKTIENGESELLSCHAFT
Wilhelm-Rohn-Strasse 25
Postfach 15 55
D-63450 Hanau (DE)

Representative:

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Respondent:
(Proprietor of the patent)

SEIKO SEIKI KABUSHIKI KAISHA
3-1, Yashiki 4-chome
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Chiba (JP)

Representative:

Miller, Joseph
J. MILLER & CO.
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Decision under appeal:

Decision of the Opposition Division of the
European Patent Office dispatched on 28 October
1993 rejecting the opposition filed against
European patent No. 0 256 739 pursuant to
Article 102(2) EPC.

Composition of the Board:

Chairman: C. Andries
Members: M. Hatherly
J.-P. Seitz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office which rejected the opposition filed against the European patent No. 0 256 739 and which was dispatched to each party by registered letter with advice of delivery on 28 October 1993. The Opponent filed a Notice of Appeal by letter dated 13 December 1993, received on 18 December 1993, and paid the fee for appeal on 18 December 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 13 March 1995 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:



N. Maslin

The Chairman:



C. Andries