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

Case Number: T 0360/94 - 3.2.4

Application Number: 86116931.6

Publication Number: 0226143

IPC: F02F 1/38

Language of the proceedings: EN

Title of invention:

Thermal fatigue resistant cylinder head

Patentee:

CUMMINS ENGINE COMPANY, INC.

Opponent:

- (I) MTU MOTOREN- UND TURBINEN-UNION FRIEDRICHSHAFEN GMBH
(II) MAN B&W Diesel Aktiengesellschaft

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Catchword:

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Case Number: T 0360/94 - 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 I)

MTU MOTOREN- UND TURBINEN-UNION
FRIEDRICHSHAFEN GMBH
- Patentabteilung ED-F -
D-88040 Friedrichshafen (DE)

Representative:

-

Other party:
(Opponent II)

MAN B&W Diesel Aktiengesellschaft
Stadtbachstrasse 1
D-86135 Augsburg (DE)

Representative:

-

Respondent:
(Proprietor of the patent)

CUMMINS ENGINE COMPANY, INC.
1000 5th Street
Columbus
Indiana 47202-3005 (US)

Representative:

Hoeger, Stellrecht & Partner
Uhlandstrasse 14 c
D-70182 Stuttgart (DE)

Decision under appeal:

Interlocutory decision of the Opposition Division
of the European Patent Office dispatched on
17 February 1994 concerning maintenance of
European patent No. 0 226 143 in amended form.

Composition of the Board:

Chairman: C. Andries
Members: H. Berger
J.-P. Seitz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office which concerned maintenance of the European patent No. 0 226 143 in amended form, and which was dispatched by registered letter with advice of delivery to the Applicant on 17 February 1994. The Appellant filed a Notice of Appeal by telefacsimile received on 14 April 1994 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 10 March 1995, sent by registered post, the Registrar of the Board informed the Appellant that no Statement of Grounds has 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:



N. Maslin

The Chairman:



C. Andries

