

**Internal distribution code:**

- (A) [ ] Publication in OJ  
(B) [ ] To Chairmen and Members  
(C) [X] To Chairmen

**D E C I S I O N**  
**of 25 November 1994**

**Case Number:** T 0545/94 - 3.4.2

**Application Number:** 85308570.2

**Publication Number:** 0186314

**IPC:** G03G 15/20

**Language of the proceedings:** EN

**Title of invention:**  
Fixing device

**Patentee:**  
KONICA CORPORATION

**Opponent:**  
BSG Technische Beratungs-Gesellschaft mbH

**Headword:**

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

**Keyword:**  
"Missing Statement of Grounds"

**Decisions cited:**

**Catchword:**



Case Number: T 0545/94 - 3.4.2

**DECISION**  
of the Technical Board of Appeal 3.4.2  
of 25 November 1994

**Appellant:**  
(Proprietor of the patent)

KONICA CORPORATION c  
No. 1 Sakura-machi  
Hino-shi  
Tokyo (JP)

**Representative:**

Wood, Anthony Charles  
Urquhart-Dykes & Lord  
91 Wimpole Street  
London W1M 8AH (GB)

**Respondent:**  
(Opponent)

BSG Technische Beratungs-Gesellschaft mbH  
Gewerbestrasse 4  
D-85652 Pliening (DE)

**Representative:**

Graf, Walter, Dipl.-Ing.  
Sckellstrasse 1  
D-81667 München (DE)

**Decision under appeal:**

Decision of the Opposition Division of the  
European Patent Office dated 2 May 1994 revoking  
European patent No. 0 186 314 pursuant to  
Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** E. Turrini  
**Members:** W. W. G. Hofmann  
M. Lewenton

### Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 2 May 1994, revoking the European patent No. 0 186 314, pursuant to Article 102(1) EPC.

The Appellant (patent Proprietor) filed a Notice of Appeal 4 July 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 14 November 1994, sent by registered letter with advice of delivery, the Registry 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. In a letter dated 17 November 1994 the patent Proprietor stated "... the appeal was not to be pursued further. Consequently, no statement setting out the grounds of appeal was filed".

### 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:

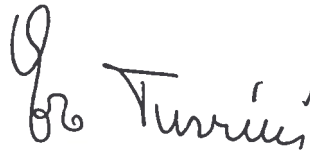
The appeal is rejected as inadmissible.

The Registrar:



P. Martorana

The Chairman:



E. Turrini

