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PATENTAMTS

BOARDS OF APPEAL OF  
THE EUROPEAN PATENT  
OFFICE

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(C) [X] To Chairmen

**D E C I S I O N**  
of 10 January 1996

**Case Number:** T 0413/95 - 3.2.2

**Application Number:** 87902667.2

**Publication Number:** 0305375

**IPC:** C22C 1/00

**Language of the proceedings:** EN

**Title of invention:**  
Thixotropic Materials

**Patentee:**  
THE UNIVERSITY OF SHEFFIELD

**Opponent:**  
Alumax Inc.

**Headword:**  
-

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

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

**Decisions cited:**  
-

**Catchword:**  
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Case Number: T 0413/95 - 3.2.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.2  
of 10 January 1996

**Appellant:**  
(Opponent)

Alumax Inc.  
5655 Peachtree Parkway  
Norcross  
Georgia 30092-2812 (US)

**Representative:**

Sternagel, Hans-Günther, Dr.  
Patentanwälte Dr. Michael Hann  
Dr. H.-G. Sternagel  
Sander Aue 30  
D-51465 Bergisch Gladbach (DE)

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

THE UNIVERSITY OF SHEFFIELD  
Department of Metallurgy  
Mappin Street  
Sheffield S1 3JD (GB)

**Representative:**

Wilson, Nicholas Martin  
WITHERS & ROGERS  
4 Dyer's Buildings  
Holborn  
London EC1N 2JT (GB)

**Decision under appeal:**

Decision of the Opposition Division of the  
European Patent Office posted 10 March 1995  
rejecting the opposition filed against European  
patent No. 0 305 375 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** H. J. Seidenschwarz  
**Members:** R. A. Lunzer  
J. C. M. De Preter

### **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 31 January 1995, rejecting the opposition filed against the European patent application No. 0 305 375. The decision was dispatched by registered letters with advice of delivery on 10 March 1995. The opponent filed a notice of appeal by letter dated 28 April 1995, received on 29 April 1995, and paid the fee for appeal on 2 May 1995. 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 11 October 1995, sent by registered post, 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. 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:

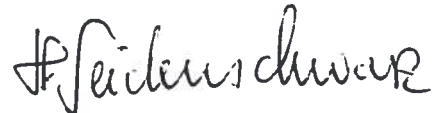
The appeal is rejected as inadmissible.

The Registrar:



S. Fabiani

The Chairman:



H. Seidenschwarz

RAL 15.1.96

