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D E C I S I O N
of 2 May 1996

Case Number: T 0823/95 - 3.4.2

Application Number: 84308487.2

Publication Number: 0146317

IPC: G02C 5/00

Language of the proceedings: EN

Title of invention:
Eyeglass frame including shape memory elements

Patentee:
MARCHON EYEWEAR, Inc.

Opponent:
01: Kanto Special Steel Works, Ltd.
02: Tura LP
03: Essilor International, Propriété Industrielle
04: Nakanishi Optical Products Corporation

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 0823/95 - 3.4.2

D E C I S I O N
of the Technical Board of Appeal 3.4.2
of 2 May 1996

Respondent:
(Opponent 01)

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Representative:

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Respondent:
(Opponent 02)

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Representative:

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Respondent:
(Opponent 03)

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Representative:

Deufel, Paul, Dr.
Müller-Boré & Partner
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Respondent:
(Opponent 04)

Nakanishi Optical Products Corporation
No. 1 Osaka Ekimae Bldg.
3-1-1000, Umeda 1-Chome, Kita-Ku Osaka (JP)

Representative:

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Appellant: MARCHON EYEWEAR, Inc.
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Representative: Diehl, Hermann O. Th., Dr.
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 4 August 1995
concerning maintenance of European patent
No. 0 146 317 in amended form.

Composition of the Board:

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

Summary of Facts and Submissions

I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 17 May 1995, posted on 4 August 1995, concerning maintenance of European patent No. 0 146 317 in amended form.

The Appellant (Patent Proprietor) filed a Notice of Appeal on 4 October 1995 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 16 February 1996, 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. No answer has been given within the given time limit 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:

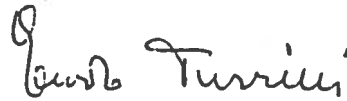
The appeal is rejected as inadmissible.

The Registrar:



P. Martorana

The Chairman:



E. Turrini

Ho

