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**D E C I S I O N**  
**of 23 April 1996**

**Case Number:** T 0826/95 - 3.3.2

**Application Number:** 88107533.7

**Publication Number:** 0291029

**IPC:** C04B 35/10

**Language of the proceedings:** EN

**Title of invention:**

Sintered Alumina-Zirconia Ceramic Bodies and Preparation Thereof

**Patentee:**

NORTON COMPANY

**Opponent:**

Minnesota Mining & Manufacturing Company

**Headword:**

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**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 0826/95 - 3.3.2

**D E C I S I O N**  
**of the Technical Board of Appeal 3.3.2**  
**of 23 April 1996**

**Appellant:** NORTON COMPANY  
(Proprietor of the patent) 1 New Bond Street  
Worcester  
Massachusetts 01606 (US)

**Representative:** DIEHL GLAESER HILTL & PARTNER  
Patentanwälte  
Postfach 19 03 65  
80603 München (DE)

**Respondent:** Minnesota Mining & Manufacturing Company  
(Opponent) 3M Centre  
P.O. Box 33427  
St. Paul 55133-3427  
Minnesota (US)

**Representative:** Hitchcock, Esmond Antony  
Lloyd Wise  
Tregear & Co  
Norman House  
105-109 Strand  
London WC2R 0AE (GB)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 21 July 1995  
concerning maintenance of European patent  
No. 0 291 029 in amended form.

**Composition of the Board:**

**Chairman:** P. A. M. Lançon  
**Members:** M. M. Eberhard  
R. E. Teschemacher

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

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 16 May 1995, posted on 21 July 1995, concerning maintenance of European patent No. 0 291 029 in amended form.

The Appellant (patent Proprietor) filed a notice of appeal on 21 September 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 13 December 1995, 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 given the opportunity to file observations within two months.
- III. No answer other than a mere acknowledgement of receipt 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:



P. A. M. Lançon