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D E C I S I O N
of 16 July 1996

Case Number: T 0890/95 - 3.2.2

Application Number: 87109574.1

Publication Number: 0261328

IPC: B23K 11/24

Language of the proceedings: EN

Title of invention:
Seam welder

Patentee:
Shinko Electric Co. Ltd., et al

Opponent:
Soudronic AG

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0890/95 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 16 July 1996

Appellant: Shinko Electric Co. Ltd.
(Proprietor of the patent) 12-2, Nihonbashi 3-chome
Chuo-ku
Tokyo 103 (JP)

Representative: KOHLER SCHMID + PARTNER
Patentanwälte
Ruppmannstrasse 27
70565 Stuttgart (DE)

Respondent: Soudronic AG
(Opponent) Industriestrasse 35/Postfach 11
CH-8962 Bergdietikon (CH)

Representative: Menges, Rolf, Dipl.-Ing.
Ackmann & Menges
Patentanwälte
Postfach 14 04 31
80454 München (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 28 August 1995
revoking European patent No. 0 261 328 pursuant to
Article 102(1) EPC.

Composition of the Board:

Chairman: H. J. Seidenschwarz
Members: M. G. Noel
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 28 August 1995, revoking the European patent No. 0 261 328.

The written decision was dispatched by registered letter with advice of delivery on 28 August 1995.

On 26 October 1995 the Appellant filed a notice of appeal and paid the fee for appeal at the same time. 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 23 April 1996 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds had 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:

The Chairman:

S. Fabiani

H. Seidenschwarz