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D E C I S I O N
of 19 December 1997

Case Number: T 0060/96 - 3.2.1

Application Number: 89116684.5

Publication Number: 0360101

IPC: B60H 1/00, G05D 23/24

Language of the proceedings: EN

Title of invention:

Regulating heater discharge air temperature for front and rear passenger in a vehicle

Patentee:

Eaton Corporation

Opponent:

Robert Bosch GmbH

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



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Boards of Appeal

Chambres de recours

Case Number: T 0060/96 - 3.2.1

D E C I S I O N
of the Technical Board of Appeal 3.2.1
of 19 December 1997

Appellant:
(Opponent) Robert Bosch GmbH
Postfach 30 02 20
70442 Stuttgart (DE)

Representative: -

Respondent:
(Proprietor of the patent) Eaton Corporation
Eaton Center
Cleveland
Ohio 44114 (US)

Representative: Wagner, Karl H., Dipl.-Ing.
Wagner & Geyer
Patentanwälte
Gewürzmühlstrasse 5
80538 München (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 13 November 1995
revoking European patent No. 0 360 101 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: F. A. Gumbel
Members: P. Alting van Geusau
V. Di Cerbo

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 13 November 1995 rejecting the opposition filed against the European patent No. 0 360 101. The decision was dispatched by registered letters with advice of delivery on 13 November 1995. The opponent filed a notice of appeal by fax dated 15 January 1996, and paid the fee for appeal on 15 January 1996. 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 9 May 1997 and 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:

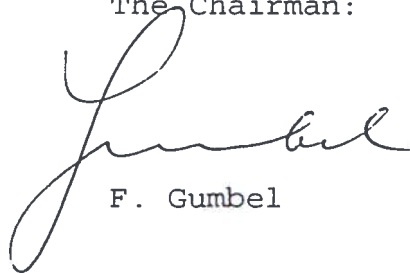
The appeal is rejected as inadmissible.

The Registrar:



S. Fabiani

The Chairman:



F. Gumbel

