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D E C I S I O N
of 28 April 1997

Case Number: T 0122/96 - 3.2.3

Application Number: 89910211.5

Publication Number: 0424474

IPC: F25B 1/00

Language of the proceedings: EN

Title of invention:

Method of operating a vapour compression cycle under trans- or supercritical conditions

Patentee:

SINVENT A/S, et al

Opponent:

Hagenuk Fahrzeugklima GmbH
HI-TEC Electronic Vertriebs GmbH

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 0122/96 - 3.2.3

D E C I S I O N
of the Technical Board of Appeal 3.2.3
of 28 April 1997

Appellant: SINVENT A/S
(Proprietor of the patent) N-7034 Trondheim (NO)

Representative: Patentanwälte
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Rosental 7
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Respondent/other party: Hagenuk Fahrzeugklima GmbH
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Representative: Köckeritz, Günter
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Respondent/other party: HI-TEC Electronic Vertriebs GmbH
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 1 December
1995 concerning maintenance of European patent
No. 0 424 474 in amended form.

Composition of the Board:

Chairman: C. T. Wilson
Members: H. Andrae
L. C. Mancini

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office concerning maintenance of the European patent No. 0 424 474 in amended form. The decision was dispatched by registered letter with advice of delivery to the Appellant on 1 December 1995. The Appellant filed a notice of appeal by a letter received on 5 February 1996 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 12 February 1997 sent by registered post, the Registrar 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. No answer has been given 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:



N. Maslin

The Chairman:



C. T. Wilson

