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D E C I S I O N
of 16 July 1997

Case Number: T 0966/96 - 3.2.5

Application Number: 90201005.7

Publication Number: 0396173

IPC: B41F 23/04

Language of the proceedings: EN

Title of invention:

Device for cooling a web of material coming out of a drier

Patentee:

Heidelberg Contiweb B.V.

Opponent:

VITS-Maschinenbau GmbH

Headword:

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Relevant legal provisions:

EPC Art. 108

EPC Rule 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Catchword:

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Case Number: T 0966/96 - 3.2.5

D E C I S I O N
of the Technical Board of Appeal 3.2.5
of 16 July 1997

Appellant:
(Opponent)

VITS-Maschinenbau GmbH
Winkelsweg 172
40764 Langenfeld (DE)

Representative:

Planker, Karl-Josef, Dipl., Phys.
Babcock-BSH AG
vormals Büttner-Schilde-Haas AG
Postfach 6
47811 Krefeld (DE)

Respondent:
(Proprietor of the patent)

Heidelberg Contiweb B.V.
P.O. Box 203
5830 AE Boxmeer (NL)

Representative:

Fey, Hans-Jürgen
Heidelberger Druckmaschinen AG
Patentabteilung
Kurfürsten-Anlage 52-60
69115 Heidelberg (DE)

Decision under appeal:

Interlocutory decision of the Opposition Division
of the European Patent Office posted 5 August
1996 concerning maintenance of European patent
No. 0 396 173 in amended form.

Composition of the Board:

Chairman: G. O. J. Gall
Members: H. P. Ostertag
A. Burkhart

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office posted 5 August 1996 refusing the European patent application No. 90 201 005.7.

The Appellant filed a Notice of Appeal by a letter received on 4 October 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 16 May 1997, 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 and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

- 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:

A. Townend



The Chairman:

G. Gall

Beglaubigt/Certified Registry/Greffe
Certifiés conforme: 0 1. AUG. 1997
München/Munich

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