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D E C I S I O N
of 15 January 2001

Case Number: T 0500/97 - 3.2.2

Application Number: 92902090.7

Publication Number: 0567480

IPC: C03B 37/05

Language of the proceedings: EN

Title of invention:

Process and apparatus for making mineral wool fibres

Patentee:

Rockwool International A/S

Opponent:

Paroc Oy Ab

Headword:

Admissibility/PAROC OY AB

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Admissibility of appeal (no)"

Decisions cited:

T 0220/83, T 0432/88, T 0188/92, T 0646/92

Catchword:

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Case Number: T 0500/97 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 15 January 2001

Appellant: Paroc Oy Ab
(Opponent) FI-21600 Parainen/Pargas (FI)

Representative: Avellan-Hultman, Olle
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Box 10316
SE-100 55 Stockholm (SE)

Respondent: Rockwool International A/S
(Proprietor of the patent) Hovedgaden 501
DK-2640 Hedehusene (DK)

Representative: Lawrence, Peter Robin Broughton
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Boardgate House
7 Eldon Street
London EC2M 7LH (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 4 March 1997
rejecting the opposition filed against European
patent No. 0 567 480 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: W. D. Weiß
Members: R. Ries
J. C. M. de Preter

Summary of Facts and Submissions

I. On 5 May 1997, the appellant (opponent) filed a notice of appeal against the decision of 4 March 1997 of the Opposition Division on the rejection of the opposition against European patent No. 567 480 and paid the appeal fee on the same day. The appellant referred to what it had previously stated during the opposition procedure and to documents D1 to D5 which it had cited during said procedure.

II. In a further letter of 3 July 1997, the appellant declared that

"we hereby confirm that we persist, to all parts, to the arguments which have been forfeited during the opposition procedure, in particular that the invention according to the allowed claims has such low inventional quality that the patent of the invention is not justified.

The appellant further argued that

"the situation in the manufacture of ceramic fibre material is very similar to the situation in the manufacture of mineral wool and glass wool, and that the knowledge in connection to the manufacture of mineral wool can, indeed, be applied to the manufacture of ceramic wool."

III. In its response, the respondent submitted that the grounds of appeal did not reveal any basis for reversing the decision of the Opposition Division, and that the appeal should, therefore, be rejected as

inadmissible.

- IV. In the annex to the summons to the oral proceedings the Board explained why the admissibility of the appeal was questionable so that this issue would be the only one to be discussed at the oral proceedings.
- V. Following the appellant's letter of 7 July 2000 advising the Board that it would not attend the oral proceedings, the latter were cancelled.

Reasons for the Decision

- 1. For the purpose of compliance with Article 108 EPC, third sentence, it is not sufficient merely to indicate that the decision under appeal is wrong. Rather, an appellant is obliged to state the legal and factual grounds which constitute the basis of his challenge to the validity of the decision. Hence, the grounds of appeal required are not merely formal, but involve a sufficient presentation of the appellant's case.
- 2. The present appeal essentially only makes a general reference to the appellant's submissions in the foregoing opposition proceedings. Furthermore, insofar as the appellant referred in its letter of 3 July 1997 to the situation in the manufacture of ceramic fibre, it merely contested point 3.7 of the reasons of the decision under appeal without any supporting arguments and without giving any specific legal or factual reasons why the decision (see in particular points 3.8 to 3.11) should be set aside. Therefore, the grounds of appeal submitted amount to no more than the mere assertion that the decision under appeal is incorrect

(T 220/83; OJ EPO 1986, 249; T 432/88; T 188/92; T 646/92), and are insufficient to meet the requirements of Article 108 EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

V. Commare

W. D. Weiß