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D E C I S I O N
of 1 December 1997

Case Number: T 0936/97 - 3.5.2

Application Number: 88102368.3

Publication Number: 0280193

IPC: H02K 1/16

Language of the proceedings: EN

Title of invention:

Lip structure for a stator in a dynamo-electric machine

Patentee:

GENERAL ELECTRIC COMPANY

Opponent:

Danfoss A/S

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Statement of grounds of appeal not filed"

"Appeal inadmissible"

Decisions cited:

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Catchword:

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Case Number: T 0936/97 - 3.5.2

D E C I S I O N
of the Technical Board of Appeal 3.5.2
of 1 December 1997

Appellant: GENERAL ELECTRIC COMPANY
(Proprietor of the patent) 1 River Road
Schenectady
New York 10022 (US)

Representative: Goode, Ian Roy
London Patent Operation
General Electric International, Inc.
Essex House
12-13 Essex Street
London WC2R 3AA (GB)

Respondent: Danfoss A/S
(Opponent) DK-6430 Nordborg (DK)

Representative: Nettleton, John Victor
Abel & Imray
Northumberland House
303-306 High Holborn
London, WC1V 7LH (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 3 July 1997
revoking European patent No. 0 280 193 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: W. J. L. Wheeler
Members: A. G. Hagenbucher
B. J. Schachenmann

Summary of Facts and Submissions

- I. European Patent No. 280 193 was revoked by a decision of the Opposition Division dated 3 July 1997.
- II. On 4 September 1997 the Appellant (Proprietor of the patent) filed an appeal against the decision of the Opposition Division and paid the fee for appeal.
- III. With a letter dated 19 November 1997 the Appellant informed the Board that: "we have decided that we shall not, after all, be filing Grounds of Appeal. Furthermore, we hereby state that we no longer approve the text on the basis of which the patent was granted."

Reasons for the Decision

1. Since no statement setting out the grounds of appeal has been filed within the time limit set by EPC Article 108, third sentence, and it is clear from the Appellant's letter of 19 November 1997 that the Appellant does not intend to apply for restitutio under EPC Article 122, the appeal must be rejected as inadmissible (EPC Rule 65(1)).

Order

For these reasons it is decided that:

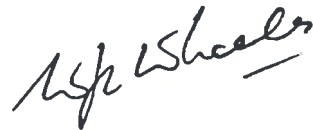
The appeal is rejected as inadmissible.

The Registrar:

A handwritten signature in black ink, appearing to be 'N. Maslin', with a long horizontal flourish extending to the right.

N. Maslin

The Chairman:

A handwritten signature in black ink, appearing to be 'W. J. L. Wheeler', written in a cursive style.

W. J. L. Wheeler