

**Internal distribution code:**

- (A) [ ] Publication in OJ  
(B) [ ] To Chairmen and Members  
(C) [X] To Chairmen

**D E C I S I O N**  
of 5 December 1997

**Case Number:** T 0989/97 - 3.2.2

**Application Number:** 90123214.0

**Publication Number:** 0431557

**IPC:** C22C 38/38

**Language of the proceedings:** EN

**Title of invention:**  
Steel for plastics molds superior in weldability

**Patentee:**  
DAIDO TOKUSHUKO KABUSHIKI KAISHA

**Opponent:**  
Uddeholm Tooling Aktiebolag

**Headword:**  
-

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 65(1)

**Keyword:**  
"Missing Statement of Grounds"

**Decisions cited:**  
-

**Catchword:**  
-



Europäisches  
Patentamt

European  
Patent Office

Office européen  
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number: T 0989/97 - 3.2.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.2  
of 5 December 1997

**Appellant:**  
(Proprietor of the patent) DAIDO TOKUSHUKO KABUSHIKI KAISHA  
11 - 18, Nishiki 1-chome  
Naka-ku  
Nagoya-shi  
Aichi-ken (JP)

**Representative:**  
Kraus, Walter, Dr.  
Patentanwälte Kraus & Weisert  
Thomas-Wimmer-Ring 15  
D-80539 München (DE)

**Respondent:**  
(Opponent) Uddeholm Tooling Aktiebolag  
S-683 85 Hagfors (SE)

**Representative:**  
Hynell, Magnus  
Hynell Patenttjänst AB,  
Patron Carls väg 2  
S-683 40 Hagfors/Uddeholm (SE)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 18 July 1997  
revoking European patent No. 0 431 557 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** H. J. Seidenschwarz  
**Members:** M. J. M. Bidet  
J. C. M. De Preter

## Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office given at the oral proceedings on 25 June 1997, revoking the European patent No. 0 431 557.

The written decision was dispatched by registered letter with advice of delivery on 18 July 1997.

- II. On 19 September 1977 the Appellant filed a notice of appeal and paid the fee for appeal at the same time. 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.

- III. In a letter dated 27 November 1997 the Appellant stated: "we wish to inform the Board of Appeals that the patentee will not file the substantiation of the appeal."

## 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:



H. Seidenschwarz