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D E C I S I O N
of 14 September 1998

Case Number: T 0121/98 - 3.2.2

Application Number: 88100691.0

Publication Number: 0275978

IPC: C23C 16/30

Language of the proceedings: EN

Title of invention:
A method for depositing composite coatings

Patentee:
Valenite Inc.

Opponent:
Sandvik AB

Headword:
-

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

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-

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Case Number: T 0121/98 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 14 September 1998

Appellant: (Opponent)
Valenite Inc.
1209 Orange Street
Wilmington
Delaware 19801 (US)

Representative:
Grünecker, Kinkeldey,
Stockmair & Schwanhäusser
Anwaltssozietät
Maximilianstrasse 58
80538 München (DE)

Respondent: (Proprietor of the patent)
Sandvik AB
811 81 Sandviken (SE)

Representative:
Östlund, Alf Olof Anders
Sandvik AB
Patent Department
811 81 Sandviken (SE)

Decision under appeal: Interlocutory decision of the Opposition Division of the European Patent Office posted 19 November 1997 concerning maintenance of the European patent No. 0 275 978 in amended form.

Composition of the Board:

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

Summary of Facts and Submissions

I. In its decision given at the oral proceedings on 10 November 1997 the Opposition Division maintained the European patent No. 0 275 978 in amended form.

The written decision was dispatched by registered letter with advice of delivery on 19 November 1997.

On 29 January 1998 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.

II. By a communication dated 16 June 1998 and sent by registered post, the Registry 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. The Appellant filed no observations in response to said 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 inadmissible.

The Registrar:

S. Fabiani

The Chairman:

W. D. Weiß