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D E C I S I O N
of 25 January 1999

Case Number: T 0520/98 - 3.2.2

Application Number: 88302034.9

Publication Number: 0313176

IPC: C23C 4/12

Language of the proceedings: EN

Title of invention:

Fuel-oxidant mixture for detonation gun flame-plating

Patentee:

Praxair S.T. Technology, Inc.

Opponent:

Commissariat A L'Energie Atomique

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0520/98 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 25 January 1999

Appellant:
(Opponent) Commissariat A L'Energie Atomique
31-33, rue de la Fédération B.P. 510
75752 Paris Cedex 15 (FR)

Representative: Des Termes, Monique
Société Brevatome
25, rue de Ponthieu
75008 Paris (FR)

Respondent:
(Proprietor of the patent) Praxair S.T. Technology, Inc.
441 Sackett Point Road
North Haven
CT 06473 (US)

Representative: Gore, Peter Manson
W.P. Thompson & Co.
Coopers Building
Church Street
Liverpool L1 3AB (GB)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 13 March
1998 concerning maintenance of European patent
No. 0 313 176 in amended form.

Composition of the Board:

Chairman: W. D. Weiß
Members: R. Ries
C. Holtz

Summary of Facts and Submissions

- I. In its decision given at the oral proceedings on 26 November 1997 the Opposition Division maintained the European Patent No. 0 313 176 in amended form.

The written decision was dispatched by registered letter with advice of delivery on 13 March 1998.

On 12 May 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 20 October 1998 and sent by registered post, 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.
- 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:

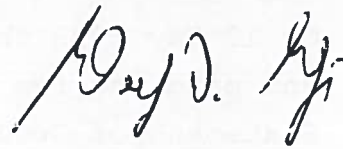
The appeal is rejected as inadmissible.

The Registrar:



S. Fabiani

The Chairman:



W. D. Weiß

x.g. Kee.
5/2/99