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D E C I S I O N
of 14 June 1999

Case Number: T 0865/98 - 3.4.2
Application Number: 92301006.0
Publication Number: 0498648
IPC: G01M 17/00, G01M 7/00

Language of the proceedings: EN

Title of invention:
Method of controlling a motor vehicle vibrating system

Patentee:
Honda Giken Kogyo Kabushiki Kaisha

Opponent:
MTS Systems Corporation

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



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Boards of Appeal

Chambres de recours

Case Number: T 0865/98 - 3.4.2

D E C I S I O N
of the Technical Board of Appeal 3.4.2
of 14 June 1999

Appellant: MTS Systems Corporation
(Opponent) 14000 Technology Drive
Eden Prairie
Minnesota 55344 (US)

Representative: Vossius & Partner
Siebertstrasse 4
81675 München (DE)

Respondent: Honda Giken Kogyo Kabushiki Kaisha
(Proprietor of the patent) 1-1, Minami-Aoyama 2-chome
Minato-ku
Tokyo 107 (JP)

Representative: Tomlinson, Kerry John
Frank B. Dehn & Co.
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 19 June 1998
rejecting the opposition filed against European
patent No. 0 498 648 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: E. Turrini
Members: A. G. Klein
B. J. Schachenmann

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 19 June 1998, rejecting the opposition pursuant to Article 102(2) EPC.

The Appellant filed a notice of appeal on 24 August 1998 and paid the fee for appeal on the same date.

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 22 March 1999, sent by registered letter with advice of delivery, 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. No answer has been received within the given time limit to the Registry's 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:

The Chairman:

P. Martorana

E. Turrini