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**D E C I S I O N**  
**of 17 November 1999**

**Case Number:** T 1141/98 - 3.4.2

**Application Number:** 90908426.1

**Publication Number:** 0475975

**IPC:** G01M 15/00

**Language of the proceedings:** EN

**Title of invention:**

Computer-Aided Engine Diagnostic System

**Patentee:**

Electra International Pty. Limited

**Opponent:**

EDGE Diagnostic Systems

**Headword:**

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**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 1141/98 - 3.4.2

**D E C I S I O N**  
**of the Technical Board of Appeal 3.4.2**  
**of 17 November 1999**

**Appellant:**  
(Opponent)

EDGE  
Diagnostic Systems  
671 Arque Avenue  
Sunnyvale  
California 94086 (US)

**Representative:**

Witte, Alexander, Dr.-Ing.  
Witte, Weller, Gahlert, Otten & Steil  
Patentanwälte  
Rotebühlstrasse 121  
70178 Stuttgart (DE)

**Respondent:**  
(Proprietor of the patent)

Electra International Pty. Limited  
38 Reef Street  
Gympie, QLD 4570 (AU)

**Representative:**

Batchellor, Kirk & Co.  
2 Pear Tree Court  
Farringdon Road  
London EC1R 0DS (GB)

**Decision under appeal:**

**Decision of the Opposition Division of the  
European Patent Office posted 16 October 1998  
rejecting the opposition filed against European  
patent No. 0 475 975 pursuant to Article 102(2)  
EPC.**

**Composition of the Board:**

**Chairman:** E. Turrini  
**Members:** S. V. Steinbrener



## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 16 October 1999, rejecting the opposition pursuant to Article 102(2) EPC.

The Appellant filed a notice of appeal on 8 December 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 3 September 1999, sent by registered letter with advice of delivery, 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. No answer has been given 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, Rule 65(1) EPC in conjunction with Article 108 EPC.

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

P. Martorana

E. Turrini