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D E C I S I O N
of 22 July 1999

Case Number: T 0169/99 - 3.5.2

Application Number: 92121794.9

Publication Number: 0548911

IPC: H03H 9/64

Language of the proceedings: EN

Title of invention:

Surface acoustic wave filter which is simple in structure

Patentee:

NEC Corporation

Opponent:

Siemens Matsushita Components GmbH & Co. KG

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0169/99 - 3.5.2

D E C I S I O N
of the Technical Board of Appeal 3.5.2
of 22 July 1999

Appellant: Siemens Matsushita Components GmbH & Co. KG
(Opponent) Balanstrasse 73
81617 München (DE)

Representative: Epping, Wilhelm, Dr.-Ing.
Patentanwalt
Postfach 22 13 17
80503 München (DE)

Respondent: NEC Corporation
(Proprietor of the patent) 7-1, Shiba 5-chome
Minato-ku
Tokyo (JP)

Representative: Pätzold, Herbert, Dr.-Ing.
Steubstrasse 10
82166 Gräfelfing (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 7 December 1998
rejecting the opposition filed against European
patent No. 0 548 911 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: W. J. L. Wheeler
Members: F. Edlinger
B. J. Schachenmann

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office rejecting the opposition against the European patent No. 0 548 911. The decision was dispatched by registered letter with advice of delivery on 7 December 1998. The Opponent filed a notice of appeal by letter received on 5 February 1999 and paid the fee for appeal on the same date. No Statement of Ground 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 6 May 1999 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 within the time limit provided by Article 108 EPC in conjunction with Rule 78(3) EPC, the appeal has to be rejected as inadmissible (Rule 65(1)EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

W. J. L. Wheeler