DECISION
of 9 January 2003

Case Number: T 0644/02 - 3.4.1
Application Number: 94925396.7
Publication Number: 0725967
IPC: G21C 1/00

Language of the proceedings: EN

Title of invention:
An energy amplifier for "clean" nuclear energy production
driven by a particle beam accelerator

Patentee:
Rubbia, Carlo

Opponent:
FRAMATOME

Headword:
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Relevant legal provisions:
EPC Art. 108, R. 78(2), 65(1) EPC

Keyword:
"The appeal has to be rejected as inadmissible Rule 65(1) EPC"

Decisions cited:
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Catchword:
-
Case Number: T 0644/02 - 3.4.1

DECISION of the Technical Board of Appeal 3.4.1 of 9 January 2003

Appellant: FRAMATOME
(Opponent) Tour FIAT
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Representative: Bouget, Lucien
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Respondent: Rubbia, Carlo
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Representative: Loisel, Bertrand
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Decision under appeal: Interlocutory decision of the Opposition Division of the European Patent Office posted 5 April 2002 concerning maintenance of European patent No. 0 725 967 in amended form.

Composition of the Board:
Chairman: G. Davies
Members: M. G. L. Rognoni
H. K. Wolfrum
Summary of Facts and Submissions

I. The appeal contests the decision of the opposition division maintaining the European patent No. 0 725 967 in amended form. The decision was dispatched by registered letter with advice of delivery on 5 April 2002.

The patent proprietor filed a notice of appeal by letter dated 14 June 2002, received at the EPO the same day and also paid the appeal fee on 14 June 2002. 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 sent by registered letter with advice of delivery on 25 September 2002, 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(2) 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:

R. Schumacher  G. Davies