Case Number: T 1288/05 - 3.2.06
Application Number: 98119776.7
Publication Number: 0913513
IPC: D06F 39/02
Language of the proceedings: EN
Title of invention: Device for housing washing agents in a washing machine with built-in air break
Patentee: T&P - S.p.A.
Opponent: BSH Bosch und Siemens Hausgeräte GmbH
Headword: Grounds of appeal filed out of time
Relevant legal provisions: EPC Art. 108, 122 EPC R. 65(1)
Keyword: -
Decisions cited: -
Catchword: -
Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 29 July 2005 rejecting the opposition filed against European patent No. 0913513 pursuant to Article 102(2) EPC.
Summary of Facts and Submissions

I. This matter concerns an appeal against the decision of the Opposition Division posted on 29 July 2005, rejecting the opposition of the European Patent No. 0 913 513.

The Appellant (Opponent) filed a notice of appeal on 4 October 2005 and paid the fee for appeal on the same day. The statement of grounds of appeal was received at the EPO on 9 December 2005.

II. In a communication dated 16 December 2005 sent by registered letter with advice of delivery indicating reception by the Appellant on 19 December 2005, the Registry of the Board informed the Appellant that the statement of grounds had been filed out of time and that the appeal could be expected to be rejected as inadmissible.

The Board's Registry informed the Appellant of the possibility of filing a request for re-establishment of rights under Article 122 EPC and the Appellant was invited to file observations within two months.

III. No answer was received within the given time limit to the Registry's communication.
Reasons for the Decision

As the written statement setting out the grounds of appeal was filed on 9 December 2005, whereas the time limit expired on Thursday 8 December 2005, it was filed out of time. Therefore, 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:

C. Eickhoff P. Alting van Geusau