Datasheet for the decision of 14 May 2009

Case Number: T 0958/07 - 3.4.01
Application Number: 97201302.3
Publication Number: 0794697
IPC: H05H 1/34
Language of the proceedings: EN
Title of invention: Plasma arc cutting apparatus
Patentee: HYPERTHERM, INC.
Opponents: L'AIR LIQUIDE, S.A. A DIRECTOIRE ET CONSEIL DE SURVEILLANCE POUR L'ETUDE ET L'EXPLOITATION DES PROCEDES GEORGES CLAUDE Kjellberg Finsterwalde Elektroden und Maschinen GmbH
Headword: -
Relevant legal provisions: -
Relevant legal provisions (EPC 1973): EPC Art. 108 EPC R. 65(1)
Keyword: "Admissibility of the appeal - no"
Decisions cited: -
Catchword: -

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C1043.D
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DECISION
of the Technical Board of Appeal 3.4.01
of 14 May 2009

Appellant: HYPERTHERM, INC.
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Composition of the Board:

Chairman: B. Schachenmann
Members: H. Wolfrum
           G. Assi
Summary of Facts and Submissions

I. The appellant (patent proprietor) contests the decision of the opposition division dated 5 April 2007 maintaining European patent No. 0794697 in amended form.

II. The appellant (patent proprietor) filed a notice of appeal received on 6 June 2007 and paid the appeal fee on the same day. No statement of grounds of appeal was received. No other appeal was filed.

III. In a communication dated 20 September 2007 sent by registered post with advice of delivery, the board informed the appellant that no statement of grounds of appeal had been received and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

IV. No such observations were filed. Instead, the appellant accepted by letter of 7 April 2009 that the appeal would be found inadmissible and asked for confirmation.

Reasons for the Decision

1. Article 108 EPC 1973 requires that a statement setting out the grounds of appeal shall be filed within four months of notification of the decision. Pursuant to Rule 65(1) EPC 1973 the appeal shall be rejected as inadmissible if it does not comply with Article 108 EPC.
2. In the present case no document was filed by the appellant which could be regarded as a statement setting out the grounds of appeal. Consequently the appeal has to be rejected as inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

R. Schumacher

B. Schachenmann