Datasheet for the decision of 1 September 2011

Case Number: T 0226/11 - 3.4.03
Application Number: 05110196.2
Publication Number: 1653253
IPC: G01V 5/00
Language of the proceedings: EN
Title of invention: Electronic system and method for the recognition of materials

Patentee: GILARDONI S.p.A.
Opponent: Smiths Heimann GmbH

Headword:

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

Keyword: "Appeal inadmissible - no statement of the grounds of appeal"

Decisions cited:

Catchword:
Case Number: T 0226/11 - 3.4.03

DECISION
of the Technical Board of Appeal 3.4.03
of 1 September 2011

Appellant: GILARDONI S.p.A.
(Patent Proprietor)
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I-20124 Milano (IT)

Representative: Coletti, Raimondo
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I-20121 Milano (IT)

Respondent: Smiths Heimann GmbH
(Opponent)
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D-65205 Wiesbaden (DE)

Representative: Thul, Hermann
Thul Patentanwaltsgesellschaft mbH
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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 25 November 2010 revoking European patent No. 1653253 pursuant to Article 101(2) EPC.

Composition of the Board:
Chairman: G. Eliasson
Members: T. Häusser
T. Bokor
Summary of Facts and Submissions

I. This is an appeal against the revocation of European patent No. 1653253 posted 25 November 2010.

A notice of appeal on behalf of the appellant proprietor was filed on 25 January 2011. The appeal fee was paid on the same day. No separate statement of grounds of appeal was filed.

II. By a communication dated 02 May 2011 sent by registered letter with advice of delivery, the appellant proprietor was informed that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months. A copy of the communication was sent to the respondent opponent on the same day for information.

III. No answer has been given to the communication within the time limit. No request for re-establishment of rights was filed.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108, third sentence, EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).
Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

A. Vottner

The Chairman

G. Eliasson