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D E C I S I O N
of 24 January 2001

Case Number: T 0238/00 - 3.3.1

Application Number: 93303135.3

Publication Number: 0567331

IPC: C07C 51/12

Language of the proceedings: EN

Title of invention:

Process for the production of acetic acid from methanol and carbon monoxide using supported rhodium catalyst

Patentee:

CHIYODA CORPORATION

Opponent:

BP Chemicals Ltd

Headword:

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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 0238/00 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 24 January 2001

Appellant: BP Chemicals Ltd
(Opponent) Britanic House
1 Finsbury Circus
London EC2M 7BA (GB)

Representative: Hoey, Shona
BP International Limited
Patents and Agreements Division
Chertsey Road
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Middlesex TW16 7LN (GB)

Respondent: CHIYODA CORPORATION
(Proprietor of the patent) 12-1, Tsurumichuo 2-chome
Tsurumi-ku
Yokohama-shi
Kanagawa-ken (JP)

Representative: Rackham, Anthony Charles
Lloyd Wise
Tregear & Co.
Commonwealth House
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London WC1A 1LW (GB)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 5 January
2000 concerning maintenance of European patent
No. 0 567 331 in amended form.

Composition of the Board:

Chairman: A. J. Nuss
Members: R. Freimuth
R. T. Menapace

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office dispatched by registered letter with advice of delivery on 5 January 2000 and concerning maintenance of the European patent No. 0 567 331 in amended form.

The Appellant (Opponent) filed a Notice of Appeal by letter received on 2 March 2000 and paid the fee for appeal on the same date. 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 dated 19 July 2000, sent by registered letter, 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 informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

III. No answer has been given within the given time limit to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, 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:

N. Maslin

A. Nuss