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D E C I S I O N
of 7 December 2001

Case Number: T 0578/01 - 3.2.5

Application Number: 89302077.6

Publication Number: 0331485

IPC: B29C 31/06

Language of the proceedings: EN

Title of invention:

Melt extruded polymeric compositions and processes of moulding them

Patentee:

W.R. Grace & Co.-Conn.

Opponent:

DS-Chemie GmbH

Headword:

Melt extruded polymeric compositions/GRACE

Relevant legal provisions:

EPC Art. 102(1), 108

EPC R. 65(1)

Keyword:

"Missing statement setting out the grounds of appeal"

Decisions cited:

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Catchword:

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Case Number: T 0578/01 - 3.2.5

D E C I S I O N
of the Technical Board of Appeal 3.2.5
of 7 December 2001

Appellant: W.R. Grace & Co.-Conn.
(Proprietor of the patent) Grace Plaza
1114 Avenue of the Americas
New York
New York 10036 (US)

Representative: Webb, Andrew John
J.A. Kemp & Co.
14 South Square
Gray's Inn
London WC1R 5JJ (GB)

Respondent: DS-Chemie GmbH
(Opponent) Straubinger Str. 12
D-28219 Bremen (DE)

Representative: Maiwald, Walter, Dr. Dipl.-Chem.
Maiwald Patentanwalts GmbH
Elisenhof
Elisenstrasse 3
D-80335 München (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 20 March 2001
revoking European patent No. 0 331 485 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: W. Moser
Members: W. Zellhuber
P. Michel
A. Burkhart
B. Schachenmann

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 20 March 2001, revoking the European patent No. 0 331 485 pursuant to Article 102(1) EPC.

The appellant (patent proprietor) filed a notice of appeal on 23 May 2001 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 17 August 2001 sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no statement setting out the grounds of appeal had been filed and that the appeal was to be expected to be rejected as inadmissible. The appellant was invited to file observations within two months. Furthermore, the appellant's attention was also drawn to Article 122 EPC (re-establishment of rights).

III. No answer has been received 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:

M. Dainese

W. Moser