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**D E C I S I O N**  
**of 20 November 2001**

**Case Number:** T 0651/01 - 3.3.5

**Application Number:** 93924077.6

**Publication Number:** 0666832

**IPC:** C01B 33/193

**Language of the proceedings:** EN

**Title of invention:**  
SILICAS

**Patentee:**  
INEOS Silicas Limited

**Opponent:**  
RHONE-POULENC CHIMIE

**Headword:**  
Synthetic amorphous silicas

**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 0651/01 - 3.3.5

**D E C I S I O N**  
**of the Technical Board of Appeal 3.3.5**  
**of 20 November 2001**

**Appellant:** RHONE-POULENC CHIMIE  
(Opponent) 25, Quai Paul-Doumer  
F-92408 Courbevoie Cedex (FR)

**Representative:** Delenne, Marc  
Rhodia Services  
Direction de la Propriété Industrielle  
40, rue de la Haie-Coq  
F-93306 Aubervilliers Cedex (FR)

**Respondent:** INEOS Silicas Limited  
(Proprietor of the patent) Bank Quay  
Warrington WA5 1AB (GB)

**Representative:** Jackson, John Derek  
Crosfield Limited  
Warrington  
Cheshire WA5 1AB (GB)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 28 March  
2001 concerning maintenance of European patent  
No. 0 666 832 in amended form.

**Composition of the Board:**

**Chairman:** R. K. Spangenberg  
**Members:** G. J. Wassenaar  
J. H. Van Moer

## **Summary of Facts and Submissions**

I. The appeal contests the interlocutory decision of the opposition division of the European Patent Office posted on 28 March 2001, by which European patent No. 0 666 832 was maintained in amended form.

The appellant (opponent) filed a notice of appeal by fax received on 7 June 2001 and paid the fee for appeal on the same day. No statement of grounds of appeal was filed. The notice of appeal contains nothing that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC.

II. By a communication dated 10 September 2001, sent by registered letter with advice of delivery, the registry of the board informed the appellant that no statement of grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

III. No answer has been given 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:

U. Bultmann

R. Spangenberg