

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

D E C I S I O N
of 16 March 2006

Case Number: T 0621/05 - 3.3.10

Application Number: 96939832.0

Publication Number: 0874807

IPC: C07C 249/08

Language of the proceedings: EN

Title of invention:

Process for the preparation of methoxyiminophenylglyoxylic acid derivatives

Patentee:

Bayer CropScience AG

Opponent:

BASF Aktiengesellschaft

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0621/05 - 3.3.10

D E C I S I O N
of the Technical Board of Appeal 3.3.10
of 16 March 2006

Appellant: Bayer CropScience AG
(Proprietor of the patent) Alfred-Nobel-Strasse 50
D-40789 Monheim (DE)

Representative: -

Respondent: BASF Aktiengesellschaft
(Opponent) Patente, Marken und Lizenzen
D-67056 Ludwighafen (DE)

Representative: -

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
1 March 2005 concerning maintenance of European
patent No. 0874807 in amended form.

Composition of the Board:

Chairman: R. Freimuth
Members: J. Mercey
J. Seitz

Summary of Facts and Submissions

- I. In its decision dated 1 March 2005 the Opposition Division maintained the European patent No. 0 874 807 in amended form.

- II. The Proprietor, Bayer CropScience AG, filed a notice of appeal on 10 May 2005 against the decision of the Opposition Division and paid the appeal fee on the same day. No statement of grounds was filed within the prescribed period in accordance with Article 108 EPC.

- III. By a communication dated 17 August 2005 sent by registered letter with advice of delivery, 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 invited to file observations within two months.

- IV. No reply from the Appellant was received within this time-limit.

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:

C. Moser

R. Freimuth