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**Datasheet for the decision
of 20 February 2008**

Case Number: T 1272/07 - 3.3.01

Application Number: 02726127.0

Publication Number: 1373235

IPC: C07D 301/12

Language of the proceedings: EN

Title of invention:

Process for the epoxidation of olefins

Patentee:

Evonik Degussa GmbH, et al

Opponent:

THE DOW CHEMICAL COMPANY

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1272/07 - 3.3.01

D E C I S I O N
of the Technical Board of Appeal 3.3.01
of 20 February 2008

Appellant: THE DOW CHEMICAL COMPANY
(Opponent) 2030 Abbott Road
Dow Center
Midland
Michigan 48640 (US)

Representative: van Loon, C.J.J.
c/o VEREENIGDE
Johan de Wittlaan 7
NL-2517 JR Den Haag (NL)

Respondent: Evonik Degussa GmbH
(Patent Proprietor) Bennigsenplatz 1
D-40474 Düsseldorf (DE)

Representative: Polypatent
Postfach 40 02 43
D-51410 Bergisch Gladbach (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
21 May 2007 concerning maintenance of European
patent No. 1373235 in amended form.

Composition of the Board:

Chairman: P. Ranguis
Members: J. Jonk
C. Brandt

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 to the Opponent 2 on 21 May 2007, and concerning maintenance of the European patent No. 1373235 in amended form.

The Appellant (Opponent 2) filed a Notice of Appeal by a letter received on 31 July 2007 and paid the fee for appeal on the same day. 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 15 November 2007, sent by registered post, the Registrar 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 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 101(1) EPC (formerly Rule 65(1) EPC 1973)).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

N. Maslin

P. Ranguis