

Internal distribution code:

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

**Datasheet for the decision
of 19 November 2008**

Case Number: T 0187/08 - 3.3.05

Application Number: 00124156.1

Publication Number: 1097742

IPC: B01D 5/00

Language of the proceedings: EN

Title of invention:

Distillation process for easily polymerizable substance-
containing solution

Patentee:

NIPPON SHOKUBAI CO., LTD

Opponent:

THE DOW CHEMICAL COMPANY

Headword:

Distillation/NIPPON SHOKUBAI

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0187/08 - 3.3.05

DECISION
of the Technical Board of Appeal 3.3.05
of 19 November 2008

Appellant:
(Opponent) THE DOW CHEMICAL COMPANY
P.O. BOX 1967
Midland
MI 48641 - 1967 (US)

Representative: Chung, Hsu Min
Boult Wade Tennant
Verulam Gardens
70 Gray's Inn Road
London WC1X 8BT (GB)

Respondent:
(Patent Proprietor) NIPPON SHOKUBAI CO., LTD.
1-1, Koraibashi 4-chome
Chuo-ku
Osaka-shi
Osaka 541-0043 (JP)

Representative: Henkel, Feiler & Hänzel
Patentanwälte
Maximiliansplatz 21
D-80333 München (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
8 November 2007 concerning maintenance of
European patent No. 1097742 in amended form.

Composition of the Board:

Chairman: G. Rath
Members: B. Czech
S. Hoffmann

Summary of Facts and Submissions

- I. The appeal lies from the interlocutory decision of the opposition division posted 8 November 2007 concerning maintenance of the European patent No. 1 097 742 in amended form.
- II. The appellant (opponent) filed a notice of appeal on 18 January 2008 and paid the appeal fee on the same day. It requested that the patent be fully revoked.
- III. No further submission was filed by the appellant within the time limit set by Article 108 EPC.
- IV. By a communication dated 9 May 2008 sent by registered letter with advice of delivery, the registrar of the board informed the appellant that since no written statement of grounds had been filed, it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months.
- V. The appellant did not reply to this communication within the set time limit and did not, to date, file any further submission.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, and as the notice of appeal does not contain anything that could be regarded as a statement setting out the grounds of appeal in accordance with Article 108 EPC and Rule 99(2) EPC,

the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The registrar

The chairman

C. Vodz

G. Raths