

Internal distribution code:

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

**Datasheet for the decision
of 3 July 2019**

Case Number: T 2788/18 - 3.3.03

Application Number: 05012355.3

Publication Number: 1731565

IPC: C08L23/04, B32B27/32, H01B3/00,
C08L23/08

Language of the proceedings: EN

Title of invention:
Polyolefin composition for use as an insulating material

Patent Proprietor:
Borealis Technology Oy

Opponent:
The Dow Chemical Company

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1)

Keyword:
Admissibility of appeal - (no) - missing statement of grounds



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 2788/18 - 3.3.03

D E C I S I O N
of Technical Board of Appeal 3.3.03
of 3 July 2019

Appellant: Borealis Technology Oy
(Patent Proprietor) P.O. Box 330
06101 Porvoo (FI)

Representative: Kador & Partner PartG mbB
Corneliusstraße 15
80469 München (DE)

Respondent: The Dow Chemical Company
(Opponent) 2030 Dow Center
Midland, MI 48674 (US)

Representative: Boulton Wade Tennant LLP
5th Floor, Salisbury Square House
8, Salisbury Square
London EC4Y 8AP (GB)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
11 September 2018 concerning maintenance of the
European Patent No. 1731565 in amended form.**

Composition of the Board:

Chairman D. Semino
Members: F. Rousseau
C. Brandt

Summary of Facts and Submissions

- I. The appeal is directed against the interlocutory decision of the opposition division posted on 11 September 2018, according to which European patent No. 1 731 565 as amended according to the documents of auxiliary request 2 submitted during the oral proceedings on 14 June 2018 met the requirements of the EPC.
- II. The patent proprietor (appellant) filed a notice of appeal on 21 November 2018 and paid the appeal fee on the same day.
- III. By communication of 26 February 2019, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC.

Therefore, 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:



B. ter Heijden

D. Semino

Decision electronically authenticated