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**Datasheet for the decision
of 4 March 2021**

Case Number: T 2178/19 - 3.2.03

Application Number: 09808556.6

Publication Number: 2324313

IPC: F25J3/04

Language of the proceedings: EN

Title of invention:

METHOD AND APPARATUS FOR SEPARATING AIR

Patent Proprietor:

Praxair Technology, Inc.

Opponent:

L AIR LIQUIDE SOCIETE ANONYME POUR L ETUDE ET L
EXPLOITATION DES PROCEDES GEORGES CLAUDE

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

Admissibility of appeal - statement of grounds - filed within
time limit (no)

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 2178/19 - 3.2.03

D E C I S I O N
of Technical Board of Appeal 3.2.03
of 4 March 2021

Appellant: L AIR LIQUIDE SOCIETE ANONYME POUR L ETUDE ET L
(Opponent) EXPLOITATION DES PROCEDES GEORGES CLAUDE
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Representative: Air Liquide
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Respondent: Praxair Technology, Inc.
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Representative: Schwan Schorer & Partner mbB
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Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on
29 May 2019 concerning maintenance of the
European Patent No. 2324313 in amended form.

Composition of the Board:

Chairman C. Herberhold
Members: V. Bouyssy
E. Kossonakou

Summary of Facts and Submissions

- I. The opponent (here "appellant") contests the decision of the opposition division posted on 29 May 2019 that European patent No. 2 324 313 as amended according to auxiliary request 1 before it met the requirements of the EPC.
- II. The appellant filed a notice of appeal on 26 July 2019 and paid the appeal fee on the same day.
- III. By communication of 4 November 2019 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. 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. Receipt of this communication was duly confirmed by the appellant.
- IV. The appellant filed no observations in response to said communication.

Reasons for the Decision

1. No document purporting to be the written statement of grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC.

2. 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.
3. 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:



H. Jenney

C. Herberhold

Decision electronically authenticated