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**Datasheet for the decision  
of 1 February 2021**

**Case Number:** T 1136/20 - 3.2.07

**Application Number:** 11866955.5

**Publication Number:** 2714293

**IPC:** B09B5/00, B09B3/00, G21F5/14,  
G21F7/015, G21F7/06, G21F9/22,  
G21F9/36, G21F5/005

**Language of the proceedings:** EN

**Title of invention:**  
MODULARIZED PROCESS FLOW FACILITY PLAN FOR STORING HAZARDOUS  
WASTE MATERIAL

**Patent Proprietor:**  
AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION

**Opponent:**  
Finnegan Europe LLP

**Headword:**

**Relevant legal provisions:**  
EPC Art. 108, third sentence  
EPC R. 101 (1)

**Keyword:**

Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 1136/20 - 3.2.07

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.07**  
**of 1 February 2021**

**Appellant:** Finnegan Europe LLP  
(Opponent) 1 London Bridge  
London SE1 9BG (GB)

**Representative:** HGF  
Benoordenhoutseweg 46  
2596 BC Den Haag (NL)

**Respondent:** AUSTRALIAN NUCLEAR SCIENCE AND  
(Patent Proprietor) TECHNOLOGY ORGANISATION  
New Illawarra Road  
Lucas Heights  
New South Wales 2234 (AU)

**Representative:** Maiwald Patent- und Rechtsanwalts-gesellschaft mbH  
Elisenhof  
Elisenstraße 3  
80335 München (DE)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 28 February  
2020 rejecting the opposition filed against  
European patent No. 2714293 pursuant to Article  
101(2) EPC.**

**Composition of the Board:**

**Chairman** I. Beckedorf  
**Members:** A. Pieracci  
B. Paul

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 28 February 2020 rejecting the opposition filed against European patent No. 2 714 293 pursuant to Article 101(2) EPC.

The appellant (opponent) filed a notice of appeal on 8 May 2020 and paid the fee for appeal on the same day.

No statement of grounds was filed.

- II. By a communication dated 12 August 2020 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 its appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.

- III. No answer has been given to the registry's communication.

## **Reasons for the Decision**

1. The notice of appeal filed on 8 May 2020 contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
2. As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC, third sentence, in conjunction with Rule 101(1) EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



G. Nachtigall

I. Beckedorf

Decision electronically authenticated