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**Datasheet for the decision
of 16 September 2021**

Case Number: T 0278/21 - 3.3.03

Application Number: 12799164.4

Publication Number: 2791189

IPC: C08F210/16, C08J5/18, C08F2/34,
C08F4/659, C08F4/6592

Language of the proceedings: EN

Title of invention:
NOVEL POLYMERS

Patent Proprietor:
Ineos Europe AG

Opponents:
The Dow Chemical Company
Total Research & Technology Feluy

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

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:
T 1042/07



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Case Number: T 0278/21 - 3.3.03

D E C I S I O N
of Technical Board of Appeal 3.3.03
of 16 September 2021

Appellant:
(Patent Proprietor)

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Respondent:
(Opponent 1)

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Respondent:
(Opponent 2)

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7181 Seneffe (BE)

Representative:

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Decision under appeal:

**Decision of the Opposition Division of the
European Patent Office posted on 13 January 2021
revoking European patent No. 2791189 pursuant to
Article 101(3) (b) EPC.**

Composition of the Board:

Chairman D. Semino
Members: D. Marquis
 C. Brandt

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the opposition division posted on 13 January 2021 revoking European patent 2791189.
- II. The appellant filed a notice of appeal on 22 March 2021 and paid the appeal fee on the same day. While the notice of appeal contained a request for oral proceedings, no separate statement of grounds of appeal was filed.
- III. By a communication dated 30 June 2021, sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had 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 invited to file observations within two months.
- IV. No reply was received. No request for re-establishment of rights was filed.

Reasons for the Decision

1. As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108, third sentence, and Rule 99(2) EPC, the appeal has to be rejected as inadmissible (Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC).

2. In accordance with case law (T 1042/07 of 22 August 2008) the request for oral proceedings is deemed withdrawn or superseded by the subsequent failure to react to the Board's communication.

3. In the specific circumstances of the present case, where the appellant has not provided any statement as to the substantive merits of its appeal, has not given any explanation or comment as to why no statement of grounds had been filed, and has not reacted in substance to the Board's notification of an impending rejection of the appeal as inadmissible, the Board considers the initial auxiliary request for oral proceedings to have become obsolete as a consequence of the subsequent course of action taken. The lack of any substantive response to the notification of the inadmissibility of the appeal is thus considered as equivalent to an abandonment of the request for oral proceedings.

4. For the above reason, the decision could be rendered without oral proceedings.

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