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**Datasheet for the decision
of 19 July 2021**

Case Number: T 0340/21 - 3.3.05

Application Number: 09161106.1

Publication Number: 2256087

IPC: C01B31/04

Language of the proceedings: EN

Title of invention:

Stable dispersions of single and multiple graphene layers in solution

Applicant:

Belenos Clean Power Holding AG

Headword:

Stable dispersions/Belenos

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



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Case Number: T 0340/21 - 3.3.05

D E C I S I O N
of Technical Board of Appeal 3.3.05
of 19 July 2021

Appellant: Belenos Clean Power Holding AG
(Applicant) Seevorstadt 6
2502 Bienne (CH)

Representative: Ravenel, Thierry Gérard Louis
ICB
Ingénieurs Conseils en Brevets SA
Faubourg de l'Hôpital 3
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 23 October 2020
refusing European patent application No.
09161106.1 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman E. Bendl
Members: G. Glod
S. Fernández de Córdoba

Summary of Facts and Submissions

- I. The applicant (hereinafter "the appellant") filed on 16 December 2020 an appeal against the examining division's decision dated 23 October 2020, whereby the European patent application No. 09 161 106.1 was refused under Article 97(2) EPC. The appeal fee was paid on the same day. No statement of grounds was filed within the time limit set by Article 108 EPC.

- II. By a communication dated 15 April 2021, sent by registered letter with advice of delivery and 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 invited to file observations within two months of notification of the communication. Within this period of time the appellant filed no observations.

Reasons for the Decision

1. 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. Since the notice of appeal of 16 December 2020 does not contain any reasoning within the meaning of Rule 99(2) EPC or anything that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC, a statement of grounds is missing so that the appeal is inadmissible (Article 108 EPC 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:



A. Voyé

E. Bendl

Decision electronically authenticated