

Europäisches Patentamt
Beschwerdekammern

European Patent Office
Boards of Appeal

Office européen des brevets
Chambres de recours



Veröffentlichung im Amtsblatt	<input checked="" type="checkbox"/> Ja/Nein
Publication in the Official Journal	<input checked="" type="checkbox"/> Yes/No
Publication au Journal Officiel	<input checked="" type="checkbox"/> Oui/Non

Aktenzeichen / Case Number / N^o du recours :

T 301/85

Anmeldenummer / Filing No / N^o de la demande :

83 300 034.2

Veröffentlichungs-Nr. / Publication No / N^o de la publication :

0 084 410

Bezeichnung der Erfindung :

The removal of hydrogen sulphide from gas streams

Title of invention:

Titre de l'invention :

Klassifikation / Classification / Classement :

B 01 D 53/18

ENTSCHEIDUNG / DECISION

vom / of / du

27 June 1986

Anmelder / Applicant / Demandeur :

Imperial Chemical Industries

Patentinhaber / Proprietor of the patent /

Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Stichwort / Headword / Référence :

Re-establishment of rights -
Filing Grounds of Appeal/ICI
Articles 122; 108

EPÜ / EPC / CBE

Leitsatz / Headnote / Sommaire

(none)

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



Case Number : T 301 /85

INTERLOCUTORY

D E C I S I O N
of the Technical Board of Appeal 3.4.1
of 27 June 1986

Appellant : Imperial Chemical Industries PLC
Millbank
London SW1P 3JF
Great Britain

Representative : Thomas, Ieuan
Imperial Chemical Industries PLC
Legal Department: Patents
P.O. Box 6
Welwyn Garden City
Herts AL7 1HD
Great Britain

Decision under appeal : Decision of Examining Division 031 of the European
Patent Office dated 29 May 1985 refusing European
patent application No 83 300 034.2 pursuant to
Article 97(1) EPC

Composition of the Board :

Chairman : O. Huber
Member : O. Bossung
Member : J. Roscoe

Summary of Facts and Submissions

- I. By decision of Examining Division 031 of the European Patent Office dated 29 May 1985, the European patent application No. 83 300 034.2 was refused pursuant to Article 97(1) EPC.
- II. By letter dated 7 June and received 19 June 1985, the appellant's representative filed a notice of appeal. The appeal fee was duly paid, but no Statement of Grounds was filed until 8 January 1986.
- III. By letter dated 29 January and received 12 February 1986, the appellant's representative filed an application for re-establishment of rights and paid the corresponding fee.
- IV. In support of the application for re-establishment of rights it was pointed out that on 1 August 1985 the applicant's representative was involved in a serious traffic accident and did not return to work until the last week of 1985. Detailed information about the nature of the injuries and the process of rehabilitation is given. The representative explains how the general reminder system of the company failed in this case.

Reasons for the Decision

1. The application for re-establishment complies with Article 122(2) and (3) EPC and is therefore admissible. The cause of non-compliance with the time limit was only removed when the applicant's representative returned to work in the last week of 1985, i.e. less than two months before the date of filing of the application for re-establishment of rights. Prior to this the applicant had no knowledge that there had been a failure to file the Grounds of Appeal in time.

2. After carefully considering the facts the Board holds that the appellant should have his rights re-established. All due care required by the circumstances has been taken in this case. It was only the combined effect of a traffic accident and the fortuitous failure on the part of a clerk to enter into a computer providing the applicant's reminder system information relating to the date by which the Statement of Grounds had to be filed which led to that statement not being filed in due time.

Order

For these reasons,

it is decided that:

The applicant is restored in his rights and his Statement of Grounds of Appeal filed on 8 January 1986 is to be considered as having been filed within the time limit provided by Article 108, third sentence, EPC.

The Registrar:

The Chairman:

(J. Rückerl)

(O. Huber)