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D E C I S I O N
of 28 April 1995

Case Number: T 0651/94 - 3.3.2

Application Number: 85110605.4

Publication Number: 0173261

IPC: B01J 8/24

Language of the proceedings: EN

Title of invention:

Improvements in fluidized bed polymerization reactors

Patentee:

UNION CARBIDE CORPORATION

Opponent:

BP Chemicals Limited

Headword:

-

Relevant legal provisions:

EPC Art. 108,

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Headnote/Catchword:

-



Case Number: T 0651/94 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 28 April 1995

Appellant:
(Opponent)

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Representative:

Hymers, Ronald Robson
BP INTERNATIONAL LIMITED
Patents Division
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Respondent:
(Proprietor of the patent)

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Representative:

Barz, Peter, Dr.
Patentanwälte Dr V. Schied-Kowarzik
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Decision under appeal:

Decision of the Opposition Division of the
European Patent Office dated 18 May 1994 posted on
20 June 1994 rejecting the opposition filed
against European patent No. 0 173 261 pursuant to
Article 102(2) EPC..

Composition of the Board:

Chairman: P. A. M. Lançon
Members: I. A. Holliday
C. Holtz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 18 May 1994, rejecting the opposition against European patent No. 0 173 261. The decision was dispatched by registered letter with advice of delivery to the Applicant on 20 June 1994. The Appellant filed a Notice of Appeal by a letter received on 4 August 1994 and paid the fee for appeal on the same day. No Statement of Grounds was filed. The Notice of Appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

- II. The Appellant sent a letter received on 8 September 1994 requesting coordination of proceedings in two parallel cases.

- III. By a communication dated 7 February 1994 sent by registered letter with advice of delivery, the Board informed the Appellant that no Statement of Grounds had been filed. The letter referred to in II above could not be regarded as a Statement of Grounds since it related merely to procedural matters with regard to a parallel application. Accordingly, the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.

- IV. The Appellant informed the Board in a telefax communication received on 13 April 1994 that it had no observation to make on the Board's provisional opinion and did not intend to file a request for re-establishment under Article 122 EPC.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

P. Martorana

P. A. M. Lançon