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D E C I S I O N
of 13 June 1995

Case Number: T 0979/94 - 3.3.3

Application Number: 87105573.7

Publication Number: 0242785

IPC: C08K 5/00

Language of the proceedings: EN

Title of invention:

Process for producing a modified propylene polymer

Patentee:

Chisso Corporation

Opponent:

DSM N.V.

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0979/94 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 13 June 1995

Appellant: Chisso Corporation
(Proprietor of the patent) 6-32, Nakanoshima 3-chome
Kita-ku
Osaka-shi
Osaka-fu (JP)

Representative: Hansen, Bernd, Dr.rer.nat.
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Respondent: DSM N.V.
(Opponent) Postbox 605
NL-6160 AP Geleen (NL)

Representative: -

Decision under appeal: Decision of the Opposition Division of the
European Patent Office dated 27 September 1994
with written reasons posted on 17 October 1994
revoking European patent No. 0 242 785 pursuant to
Article 102(1) EPC.

Composition of the Board:

Chairman: C. R. J. Gérardin
Members: P. Kitzmantel
J. A. Stephens-Ofner

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 27 September 1994, posted on 17 October 1994, revoking the European patent application No. 0 242 785 pursuant to Article 102(1) EPC.

The Appellant (Patent Proprietor) filed a Notice of Appeal on 19 December 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. By a communication dated 30 March 1995, sent by registered letter with advice of delivery, the Registry of the Board informed the Appellant that no Statement of Grounds has been filed and that the 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 within the given time limit to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has not 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:

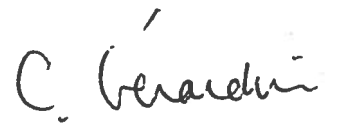
The appeal is rejected as inadmissible.

The Registrar:



E. Görgmaier

The Chairman:



C. R. J. Gérardin