DECISION of 20 November 2001

Case Number: T 0651/01 - 3.3.5
Application Number: 93924077.6
Publication Number: 0666832
IPC: C01B 33/193
Language of the proceedings: EN
Title of invention: SILICAS
Patentee: INEOS Silicas Limited
Opponent: RHONE-POULENC CHIMIE
Headword: Synthetic amorphous silicas
Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)
Keyword: "Missing Statement of Grounds"
Decisions cited: -
Catchword: -
Case Number: T 0651/01 - 3.3.5

DECISION
of the Technical Board of Appeal 3.3.5
of 20 November 2001

Appellant: RHONE-POULENC CHIMIE
(Opponent) 25, Quai Paul-Doumer
F-92408 Courbevoie Cedex (FR)

Representative: Delenne, Marc
Rhodia Services
Direction de la Propriété Industrielle
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Respondent: INEOS Silicas Limited
(Proprietor of the patent) Bank Quay
Warrington WA5 1AB (GB)

Representative: Jackson, John Derek
Crosfield Limited
Warrington
Cheshire WA5 1AB (GB)


Composition of the Board:
Chairman: R. K. Spangenberg
Members: G. J. Wassenaar
J. H. Van Moer
Summary of Facts and Submissions

I. The appeal contests the interlocutory decision of the opposition division of the European Patent Office posted on 28 March 2001, by which European patent No. 0 666 832 was maintained in amended form.

The appellant (opponent) filed a notice of appeal by fax received on 7 June 2001 and paid the fee for appeal on the same day. No statement of grounds of appeal was filed. The notice of appeal contains nothing that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC.

II. By a communication dated 10 September 2001, 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 and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

III. No answer has been given to the Registry's communication.

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:

U. Bultmann R. Spangenberg