DECISION
of 21 January 2005

Case Number: T 0148/03 - 3.3.1
Application Number: 95302501.2
Publication Number: 0681020
IPC: C09K 19/02
Language of the proceedings: EN

Title of invention:
Method for producing a nematic liquid crystal composition

Patentee:
CHISSO CORPORATION

Opponent:
Merck Patent GmbH

Headword:
Liquid crystal composition/MERCK

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing Statement of Grounds"

Decisions cited:
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Catchword:
-
Case Number: T 0148/03 - 3.3.1

DECISION of the Technical Board of Appeal 3.3.1 of 21 January 2005

Appellant: CHISSO CORPORATION (Proprietor of the patent) 6-32, Nakanoshima 3-chome Kitaku Osaka (JP)

Representative: Stein-Dräger, Christiane Hoffman Eitle, Patent- und Rechtsanwälte Arabellastrasse 4 D-81925 München (DE)

Respondent(s): Merck Patent GmbH (Opponent) Postfach Frankfurter Strasse 250 D-64293 Darmstadt (DE)

Representative: -

Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 28 November 2002 revoking European patent No. 0681020 pursuant to Article 102(1) EPC.

Composition of the Board:

Chairman: A. J. Nuss
Members: J. M. Jonk
R. T. Menapace
Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 28 November 2002 revoking the European patent No. 0681020. The decision was dispatched by registered letters with advice of delivery on 28 November 2002. The proprietor filed a notice of appeal by letter dated 28 January 2003, received on 28 January 2003, and paid the fee for appeal on 28 January 2003. 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 27 May 2003 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds had 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. The Appellant filed no observations in response to said 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:

N. Maslin A. Nuss