DECISION
of 30 March 2004

Case Number: T 1069/03 - 3.3.1
Application Number: 99902573.7
Publication Number: 1051375
IPC: C07C 5/42
Language of the proceedings: EN
Title of invention: Process for preparing cyclic monomers
Applicant: Optatech Corporation
Opponent: -
Headword: -
Relevant legal provisions: EPC Art. 108
                    EPC R. 65(1)
Keyword: "Missing statement of grounds of appeal"
Decisions cited: -
Catchword: -
Case Number: T 1069/03 - 3.3.1

DECISION
of the Technical Board of Appeal 3.3.1
of 30 March 2004

Appellant: Optatech Corporation
Luomannotko 4
FI-02200 Espoo (FI)

Representative: Sundamn, Christoffer
Seppo Laine Oy
Itämerenkatu 3 B
FI-00180 Helsinki (FI)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 6 May 2003
refusing European application No. 99902573.7
pursuant to Article 97(1) EPC.

Composition of the Board:
Chairman: A. J. Nuss
Members: P. F. Ranguis
J. H. van Moer
Summary of Facts and Submissions

I. The appeal contests the decision of the Examining Division of the European Patent Office dispatched by registered letter with advice of delivery to the Applicant on 6 May 2003, refusing the European patent application No. 99 902 573.7.

The Appellant filed a Notice of Appeal by a letter received on 4 July 2003 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 5 December 2003, sent by registered post, the Registrar 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 informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and 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 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:

M. Maslin A. Nuss