Datasheet for the decision
of 5 June 2007

Case Number: T 1342/06 - 3.2.03
Application Number: 99115215.8
Publication Number: 0995958
IPC: F25J 3/04
Language of the proceedings: EN

Title of invention:
Method to avoid flooding in a cryogenic rectification column

Patentee:
PRAXAIR TECHNOLOGY, INC.

Opponent:
L'AIR LIQUIDE, S.A.

Headword:
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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 1342/06 - 3.2.03

DECISION
of the Technical Board of Appeal 3.2.03
of 5 June 2007

Appellant: PRAXAIR TECHNOLOGY, INC.
(Patent Proprietor)
39 Old Ridgebury Road
Danbury, CT 06810-5113 (US)

Representative: Schwan, Gerhard
Schwan Schwan Schorer
Patentanwälte
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Respondent: L'AIR LIQUIDE, S.A.
(Opponent)
pour l'étude et l'exploitation
des procédés Georges Claude
75 quai d'Orsay
F-75007 Paris (FR)

Representative: Mercy, Fiona Susan
l'Air Liquide
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75 quai d'Orsay
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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 22 June 2006 revoking European patent No. 0995958 pursuant to Article 102(1) EPC.

Composition of the Board:
Chairman: U. Krause
Members: C. Donnelly
I. Beckedorf
Facts and submissions

I. The appellant contests the decision of the opposition division of the European Patent Office dated 22.06.2006 revoking European patent No. 995958.

The appellant filed a notice of appeal on 25.08.2006 and paid the appeal fee on the same day.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

II. In a communication dated 11.12.2006, the Board informed the parties that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed 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 was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 65(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

T. Buschek

The Chairman

U. Krause