Datasheet for the decision
of 9 May 2017

Case Number: T 2432/16 - 3.3.02
Application Number: 09717082.3
Publication Number: 2285948
IPC: C12M1/00, C12M3/00
Language of the proceedings: EN

Title of invention:
ENGINEERED CO2 FIXING MICROORGANISMS PRODUCING CARBON-BASED PRODUCTS OF INTEREST

Patent Proprietor:
Joule Unlimited Technologies, Inc.

Opponent:
Algenol Biofuels Switzerland GmbH

Headword:

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Keyword:
"Missing statement of grounds"
Decisions cited:

Catchword:
Case Number: T 2432/16 - 3.3.02

DECISION of Technical Board of Appeal 3.3.02 of 9 May 2017

Appellant: Joule Unlimited Technologies, Inc.
(Patent Proprietor)
18 Crosby Drive
Bedford, MA 01730 (US)

Representative: Finnegans Europe LLP
16 Old Bailey
London EC4M 7EG (GB)

Respondent: Algenol Biofuels Switzerland GmbH
(Opponent)
Alpenstr. 11
6300 Zug (CH)

Representative: Epping - Hermann - Fischer
Patentanwalts Gesellschaft mbH
Schloßschmidstraße 5
80639 München (DE)


Composition of the Board:
Chairman A. Lindner
Members: T. Sommerfeld
P. de Heij
Summary of Facts and Submissions

I. The appeal is directed against the decision of the Opposition Division, posted on 25 August 2016.

II. The appellant filed a notice of appeal on 2 November 2016 and paid the appeal fee on the same day.

III. By communication of 30 January 2017, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.

IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:
The appeal is rejected as inadmissible.

The Registrar:  

The Chairman:  

N. Maslin  

A. Lindner  

Decision electronically authenticated