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**Datasheet for the decision
of 17 November 2006**

Case Number: J 0014/06 - 3.1.01

Application Number: 98939436.6

Publication Number: 1023116

IPC: B01D 17/035

Language of the proceedings: EN

Title of invention:

Mixing apparatus

Applicant:

Separation Technologies Group Pty. Ltd.

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Admissability of appeal (no) - Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: J 0014/06 - 3.1.01

D E C I S I O N
of the Legal Board of Appeal 3.1.01
of 17 November 2006

Appellant: Separation Technologies Group Pty. Ltd.
27 Tourello Avenue
East Hawthorn, VIC 3123 (AU)

Representative: Spall, Christopher John
Barker Brettell
138 Hagley Road
Edgbaston
Birmingham B16 9PW (GB)

Decision under appeal: Decision of the Receiving Section of the
European Patent Office of 2 February 2006.

Composition of the Board:

Chairman: B. Günzel
Members: K. Garnett
M. Vogel

Summary of Facts and Submissions

- I. By a decision dated 2 February 2006 the Receiving Section rejected as inadmissible the request of the applicant (Separation Technologies Group PTY, Ltd) under Article 122(1) EPC for restitutio in integrum of European patent application No. 98 939 436. The application for restitution was the result of the deemed withdrawal of the application following non-payment of the third renewal fee.
- II. A notice of appeal requesting cancellation of the decision was filed by the applicant on 3 April 2006 and the appeal fee was paid on the same date.
- III. No grounds of appeal were filed and on 1 August 2006 the Registrar of the Legal Board of Appeal sent the applicant's representative a communication stating that it was to be expected the appeal would be rejected as inadmissible pursuant to Article 108 EPC in conjunction with Rule 65(1) EPC. It was further stated that any observations should be filed within two months from notification of the communication.
- IV. In accordance with Rule 78 EPC, the above communication was deemed to have been received by the applicant's representative on 11 August 2006. No further communication has been received by the Board from the applicant's representative.

Reasons for the decision

No statement setting out the grounds of appeal having been filed, and the notice of appeal itself containing no grounds, the appeal must be rejected as inadmissible pursuant to 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

P. Cremona

B. Günzel