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D E C I S I O N
of 25 August 2000

Case Number: T 0311/00 - 3.3.3

Application Number: 92904419.6

Publication Number: 0568607

IPC: C08G 18/12

Language of the proceedings: EN

Title of invention:

Mixture of isocyanate-terminated polyurethane prepolymers
having good adhesion

Patentee:

MINNESOTA MINING AND MANUFACTURING COMPANY

Opponent:

Henkel KGaA

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:

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Case Number: T 0311/00 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 25 August 2000

Appellant: MINNESOTA MINING AND MANUFACTURING COMPANY
(Proprietor of the patent) 3M Center
P.O. Box 33427
St. Paul
Minnesota 55133-3427 (US)

Representative: Wilhelm, Stefan M.
3M Deutschland GmbH
Carl-Schurz-Strasse 1
D-41453 Neuss (DE)

Respondent: Henkel KGaA
(Opponent) Henkelstrasse 67
D-40589 Düsseldorf (DE)

Representative: Scheffler, Ingolf (Employee)
Henkel Kommanditgesellschaft auf Aktien
D-40191 Düsseldorf (DE)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 18 January
2000 concerning maintenance of European patent
No. 0568 607 in amended form.

Composition of the Board:

Chairman: C. R. J. Gérardin
Members: A. Däweritz
A. C. G. Lindqvist

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 18 January 2000 concerning maintenance of the European patent No. 0 568 607 in amended form.

The Appellant (Patentee) filed a Notice of Appeal on 27 March 2000 and paid the fee for appeal on the same date.

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 8 June 2000 sent by registered letter with advice of delivery, 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. No answer to the Registry's communication has been received.

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:

E. Görgmaier

C. Gérardin