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D E C I S I O N
of 13 July 2001

Case Number: T 0107/01 - 3.4.2

Application Number: 87307360.5

Publication Number: 0298173

IPC: G03G 9/08

Language of the proceedings: EN

Title of invention:

Resin compositions for electrophotographic toners

Patentee:

mitsui toatsu chemicals, Inc.

Opponent:

- (01) Sanyo Chemical Industries, Ltd.
(02) Manfred Kirchhoff technische Beratung

Headword:

-

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 0107/01 - 3.4.2

D E C I S I O N
of the Technical Board of Appeal 3.4.2
of 13 July 2001

Appellant: Sanyo Chemical Industries, Ltd.
(Opponent 01) 11-1, Ikkyo Nomoto-cho
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Representative: Schaich, Axel
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Respondent: MITSUI TOATSU CHEMICALS, Inc.
(Proprietor of the patent) 2-5 Kasumigaseki 3-chome
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 14 November 2000
rejecting the opposition filed against European
patent No. 0 298 173 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: E. Turrini
Members: A. G. Klein
G. E. Weiss

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 14 November 2000, rejecting the opposition filed against European patent No. 0 298 173 pursuant to Article 102(2) EPC.

The Appellant (Opponent 01) filed a notice of appeal on 24 January 2001 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 23 April 2001, 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 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:

P. Martorana

E. Turrini