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D E C I S I O N
of 26 July 2001

Case Number: T 0141/01 - 3.3.7

Application Number: 93110051.5

Publication Number: 0576993

IPC: B32B 15/08

Language of the proceedings: EN

Title of invention:
Decomposable composite material

Patentee:
MITSUI CHEMICALS, INC.

Opponent:
Cargill Dow Polymers, L.L.C.

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0141/01 - 3.3.7

D E C I S I O N
of the Technical Board of Appeal 3.3.7
of 26 July 2001

Appellant: Cargill Dow Polymers, L.L.C.
(Opponent) 2040 Dow Center
Midland
Michigan 48647 (US)

Representative: Gerbino, Angelo
Jacobacci & Partners S.p.A.
Corso Regio Parco, 27
IT-10152 Torino (IT)

Respondent: MITSUI CHEMICALS, INC.
(Proprietor of the patent) 2-5, Kasumigaseki 3-chome
Chiyoda-ku
Tokyo (JP)

Representative: Strehl Schübel-Hopf & Partner
Maximilianstrasse 54
D-80538 München (DE)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 6 December
2001 concerning maintenance of European patent
No. 0 576 993 in amended form.

Composition of the Board:

Chairman: R. E. Teschemacher
Members: B. J. M. Struif
B. L. ter Laan

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office posted on 6 December 2000 concerning maintenance of the European patent No. 0 576 993 in amended form.

The Appellant (Opponent) filed a notice of appeal on 5 February 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 26 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 informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.
- III. No answer has been received within the given time limit to the Registry's communication.
- IV. By letter dated 12 July 2001 the Appellant confirmed that the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal had not been filed.

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:

C. Eickhoff

R. Teschemacher