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D E C I S I O N
of 9 July 2001

Case Number: T 0218/01 - 3.3.1

Application Number: 96306770.7

Publication Number: 0764714

IPC: C10M 135/18

Language of the proceedings: EN

Title of invention:

Low-viscosity lubricating oil and functional fluid compositions

Applicant:

The Lubrizol Corporation

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



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Boards of Appeal

Chambres de recours

Case Number: T 0218/01 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 9 July 2001

Appellant: The Lubrizol Corporation
29400 Lakeland Boulevard
Wickliffe, Ohio 44092 (US)

Representative: Crisp, David Norman
D. YOUNG & CO.
21 New Fetter Lane
London EC4A 1DA (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 15 September 2000
refusing European patent application
No. 96 306 770.7 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. J. Nuss
Members: R. Freimuth
J. P. B. Seitz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office despatched by registered letter with advice of delivery to the Applicant on 15 September 2000, refusing the European patent application 96 306 770.7.

The Appellant filed a Notice of Appeal by a letter received on 10 November 2000 and paid the fee for appeal on the same day. 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 February 2001, sent by registered post, the Registrar of the Board informed the Appellant that no Statement of Grounds has 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 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:

N. Maslin

A. Nuss