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**D E C I S I O N**  
of 1 August 2001

**Case Number:** T 0235/01 - 3.3.3

**Application Number:** 93113296.3

**Publication Number:** 0585747

**IPC:** C08J 5/00

**Language of the proceedings:** EN

**Title of invention:**

Formed product of L-lactic acid base polymer and preparation process of the product

**Patentee:**

mitsui toatsu chemicals, Inc.

**Opponent:**

Cargill Dow Polymer L.L.C.

**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 0235/01 - 3.3.3

**D E C I S I O N**  
**of the Technical Board of Appeal 3.3.3**  
**of 1 August 2001**

**Appellant:** CARGILL DOW POLYMER L.L.C.  
(Opponent) 2040 Dow Center  
Midland, Michigan 48674 (US)

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

**Respondent:** MITSUI TOATSU CHEMICALS, Inc.  
(Proprietor of the patent) 2-5 Kasumigaseki 3-chome  
Chiyoda-Ku  
Tokyo 100 (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  
22 December 2000 concerning maintenance of  
European patent No. 0 585 747 in amended form.

**Composition of the Board:**

**Chairman:** R. Young  
**Members:** P. Kitzmantel  
J. C. M. De Preter

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 22 December 2000 concerning maintenance of the European patent No. 0 585 747.

The Appellant (opponent) filed a Notice of Appeal on 22 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 16 May 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 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

R. Young