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D E C I S I O N
of 10 October 2001

Case Number: T 0434/01 - 3.3.3

Application Number: 95200999.1

Publication Number: 0672688

IPC: C08F 4/643

Language of the proceedings: EN

Title of invention:

Aluminum-free monocyclopentadienyl metallocene catalysts for olefin polymerization

Patentee:

ExxonMobil Chemical Patents Inc.

Opponent:

THE DOW CHEMICAL COMPANY

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 0434/01 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 10 October 2001

Appellant: THE DOW CHEMICAL COMPANY
(Opponent) 2030 Abbott Road
Dow Center
Midland
Michigan 48640 (US)

Representative: Marsman, Hermanus Antonius M.
Vereenigde
Postbus 87930
NL-2508 DH Den Haag (NL)

Respondent: ExxonMobil Chemical Patents Inc.
(Proprietor of the patent) 1900 East Linden Avenue
P.O. Box 710
Linden
NJ 07036-0710 (US)

Representative: UEXKÜLL & STOLBERG
Patentanwälte
Beselerstrasse 4
D-22607 Hamburg (DE)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 8 February
2001 concerning maintenance of European patent
No. 0 672 688 in amended form.

Composition of the Board:

Chairman: R. Young
Members: C. Idez
J. De Preter

Summary of Facts and Submissions

I. In its decision dated 8 February 2001 the Opposition Division maintained the European patent No. 0 672 688 in amended form.

II. The Appellant (Opponent) appealed against the decision of the Opposition Division on 17 April 2001 requesting that the patent be revoked. The appeal fee was paid on 17 April 2001. 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.

III. By a communication dated 6 July 2001 sent by registered post 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.

IV. The Appellant filed no observations in response to said communication within the given time limit.

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