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D E C I S I O N
of 22 January 2002

Case Number: T 0441/01 - 3.3.1

Application Number: 95903462.0

Publication Number: 0737180

IPC: C07C 69/716

Language of the proceedings: EN

Title of invention:

Process for the preparation of 5-formylvaleric acid and
5-formylvalerate ester

Patentee:

DSM N.V., et al

Opponent:

BASF Aktiengesellschaft Patente, Marken und Lizenzen

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 0441/01 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 22 January 2002

Appellant: BASF Aktiengesellschaft
(Opponent) Patente, Marken und Lizenzen
D-67056 Ludwigshafen (DE)

Representative: -

Respondent: DSM N.V.
(Proprietor of the patent) Het Overloon 1
NL-6411 TE Heerlen (NL)

Representative: -

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 16 February 2001
rejecting the opposition filed against European
patent No. 0 737 180 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: A. J. Nuss
Members: P. P. Bracke
J. P. B. Seitz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 16 February 2001 rejecting the opposition filed against the European patent No. 0 737 180. The decision was dispatched by registered letters with advice of delivery on 16 February 2001. The opponent filed a notice of appeal by telefax dated 20 April 2001, received on 20 April 2001, and paid the fee for appeal on 20 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.

- II. By a communication dated 25 October 2001 and sent by registered post, 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. The Appellant filed no observations in response to said 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