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D E C I S I O N
of 29 April 2002

Case Number: T 1094/01 - 3.2.3

Application Number: 92202185.2

Publication Number: 0528461

IPC: E21B 43/26

Language of the proceedings: EN

Title of invention:

Method of fracturing a subterranean formation

Patentee:

PUMPTECH N.V., et al

Opponent:

BJ Services Company

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Catchword:

-



Case Number: T 1094/01 - 3.2.3

D E C I S I O N
of the Technical Board of Appeal 3.2.3
of 29 April 2002

Appellant: BJ Services Company
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Representative: Gemmell, Peter Alan, Dr.
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Respondent: PUMPTECH N.V.
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Representative: Richebourg, Michel François
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 31 July 2001
concerning maintenance of European patent
No. 0 528 461 in amended form.

Composition of the Board:

Chairman: C. T. Wilson
Members: J. B. F. Kollar
M. K. S. Aúz Castro

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 31 July 2001, maintaining the European patent No. 0 528 461 in amended form.

The Appellant (Opponent) filed a Notice of Appeal on 3 October 2001 and paid the fee for appeal on the same date.

No Statement of Grounds was filed.

II. By a communication dated 22 January 2002 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 has been given within the given time limit to the Registry's communication.

Reasons for the Decision

Pursuant to Article 108 EPC, third sentence a written statement setting out the grounds of appeal must be filed within four months after the date of notification of the decision. In the case under consideration this time limit ended on 10 December 2001.

As no written statement setting out the grounds of appeal has been filed and as the Notice of Appeal contains nothing that could be regarded as a Statement of Grounds, the appeal has to be rejected as inadmissible pursuant to Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

A. Counillon

C. Wilson