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D E C I S I O N
of 27 August 2002

Case Number: T 0227/02 - 3.3.6

Application Number: 95101494.3

Publication Number: 0666368

IPC: B41M 5/00

Language of the proceedings: EN

Title of invention:

Paper containing alkaline sizing agents with improved conversion capability

Patentee:

HERCULES INCORPORATED

Opponents:

Raisio Chemicals Oy
EKA CHEMICALS AB Patent Department

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0227/02 - 3.3.6

D E C I S I O N
of the Technical Board of Appeal 3.3.6
of 27 August 2002

Appellant: EKA CHEMICALS AB
(Opponent 2) Patent Department
Box 11556
S-100 61 Stockholm (SE)

Representative: -

Party as of right: Raisio Chemicals Oy
(Opponent 1) Raisionkaari 60
FI-21200 Raisio (FI)

Representative: Grew, Eva Regina
Oy Jalo Ant-Wuorinen Ab
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FI-00120 Helsinki (FI)

Respondent: HERCULES INCORPORATED
(Proprietor of the patent) 1313 N. Market Street
Hercules Plaza
Wilmington
Delaware 19894-0001 (US)

Representative: Hansen, Bernd, Dr. Dipl.-Chem.
Hoffmann Eitle
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D-81925 München (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 19 December 2001
rejecting the opposition filed against European
patent No. 0 666 368 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: P. Krasa
Members: G. Dischinger-Höppler
M.-B. Tardo-Dino

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 19 December 2001, rejecting the opposition pursuant to Article 102(2) EPC.

The Appellant (Opponent 02) filed a Notice of Appeal on 27 February 2002 and paid the fee for appeal on the same date.

No Statement of Grounds was filed.

II. By a communication dated 17 June 2002 sent by registered letter with advice of delivery, the Registry 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 invited to file observations within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

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 and as the Notice of Appeal does not contain anything that could be regarded as a Statement of Grounds of Appeal according to Article 108 EPC, 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:

M. Dainese

P. Krasa