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D E C I S I O N
of 15 October 2002

Case Number: T 0254/02 - 3.2.7

Application Number: 95304516.8

Publication Number: 0694337

IPC: B05D 1/02

Language of the proceedings: EN

Title of invention:

Method for reducing microfoam in a spray-applied waterborne
thermoset composition

Patentee:

ROHM AND HAAS COMPANY

Opponent:

BASF Aktiengesellschaft, Ludwigshafen

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 0254/02 - 3.2.7

D E C I S I O N
of the Technical Board of Appeal 3.2.7
of 15 October 2002

Respondent: BASF Aktiengesellschaft, Ludwigshafen
(Opponent) -Patentabteilung - C6-
Carl-Bosch-Strasse 38
D-67056 Ludwigshafen (DE)

Representative: Bardehle, Heinz, Dipl.-Ing.
Patent- und Rechtsanwälte
Bardehle, Pagenberg, Dost, Altenburg,
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Appellant: ROHM AND HAAS COMPANY
(Proprietor of the patent) 100 Independence Mall West
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Pennsylvania 19106-2399 (US)

Representative: Maiwald, Walter, Dr. Dipl.-Chem.
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 5 December
2001 concerning maintenance of European patent
No. 0 694 337 in amended form.

Composition of the Board:

Chairman: A. Burkhart
Members: P. A. O'Reilly
E. Lachacinski

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 5 December 2001, concerning maintenance of the European patent No. 0 694 337 in amended form.

The Appellant (Patentee) filed a Notice of Appeal on 1 February 2002 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 19 June 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 and attention was drawn to the possibility of filing a request for re-establishing 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:

D. Spigarelli

A. Burkhart