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D E C I S I O N
of 26 May 2003

Case Number: T 0980/02 - 3.2.5

Application Number: 92101256.3

Publication Number: 0498249

IPC: B29C 61/06

Language of the proceedings: EN

Title of invention:

Process for producing shrink film and resultant shrink film layers and laminates

Patentee:

APPLIED EXTRUSION TECHNOLOGIES, INC.

Opponent:

Mobil Oil Corporation
Hoechst Trespaphan GmbH

Headword:

Relevant legal provisions:

EPC Art. 102(1), 108, 122
EPC R. 65(1), 84a

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0980/02 - 3.2.5

D E C I S I O N
of the Technical Board of Appeal 3.2.5
of 26 May 2003

Appellant: APPLIED EXTRUSION TECHNOLOGIES, INC.
(Proprietor of the patent) 96 Swampscott Road
Salem
Massachusetts 01970 (US)

Representative: Strych, Werner Maximilian Josef, Dr.
Hansmann & Vogeser
Patent- und Rechtsanwälte
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D-81369 München (DE)

Respondent: Mobil Oil Corporation
(Opponent) 3225 Gallows Road, Fairfax
Virginia 22037 (US)

Representative: Lawrence, Peter Robin Broughton
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London EC2M 7LH (GB)

(Opponent) Hoechst Trespaphan GmbH
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Representative: Luderschmidt, Schüler & Partner GbR
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D-65189 Wiesbaden (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 9 July 2002
revoking European patent No. 0 498 249 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: W. Moser
Members: P. E. Michel
W. R. Zellhuber

Summary of Facts and Submissions

- I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 9 July 2002 revoking the European patent No. 0 498 249 pursuant to Article 102(1) EPC.
- II. The appellant (patent proprietor) filed a notice of appeal on 17 September 2002 and paid the fee for appeal on the same date.

No statement setting out the grounds of appeal was filed. In addition, the notice of appeal contains nothing that could be regarded as a statement within the meaning of Article 108 EPC, third sentence.

- III. By a communication sent by registered post with advice of delivery on 6 December 2002, and received by the appellant on 10 December 2002, the Registry of the Board informed the appellant that no statement setting out the grounds of appeal 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. The attention of the appellant was also drawn to Rule 84a EPC and to Article 122 EPC.
- IV. No answer has been given to the Registry's 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:

M. Dainese

W. Moser