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D E C I S I O N
of 22 July 2003

Case Number: T 0049/03 - 3.3.5

Application Number: 96937904.9

Publication Number: 0859743

IPC: C01B 37/04

Language of the proceedings: EN

Title of invention:

Alumina source for non-zeolitic molecular sieves

Patentee:

CHEVRON U.S.A. INC.

Opponent:

ExxonMobil Chemical Patents Inc.

Headword:

-

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 0049/03 - 3.3.5

D E C I S I O N
of the Technical Board of Appeal 3.3.5
of 22 July 2003

Appellant: ExxonMobil Chemical Patents Inc.
(Opponent) 5200 Bayway Drive
Baytown, TX 77522 (US)

Representative: Franck, Peter
Uexküll & Stolberg
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Beselerstrasse 4
D-22607 Hamburg (DE)

Respondent: CHEVRON U.S.A INC.
(Proprietor of the patent) P.O. Box 7141
San Francisco
California 94120 (US)

Representative: Nash, David Allam
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Imperial House
15-19 Kingsway
London WC2B 6UD (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
8 October 2002 maintaining European patent
No. 0859743 in amended form pursuant to Article
102(3).

Composition of the Board:

Chairman: R. K. Spangenberg
Members: G. J. Wassenaar
H. Preglau

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 8 October 2002 maintaining European patent No. 0859743 in amended form. The decision was dispatched by registered letters with advice of delivery on 8 October 2002. The opponent filed a notice of appeal by letter dated 12 December 2002, received on 13 December 2002 and paid the fee for appeal on 13 December 2002. 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 9 April 2003 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:

U. Bultmann

R. Spangenberg