

**Internal distribution code:**

- (A)  Publication in OJ  
(B)  To Chairmen and Members  
(C)  To Chairmen  
(D)  No distribution

**D E C I S I O N**  
**of 21 January 2005**

**Case Number:** T 0148/03 - 3.3.1

**Application Number:** 95302501.2

**Publication Number:** 0681020

**IPC:** C09K 19/02

**Language of the proceedings:** EN

**Title of invention:**

Method for producing a nematic liquid crystal composition

**Patentee:**

CHISSO CORPORATION

**Opponent:**

Merck Patent GmbH

**Headword:**

Liquid crystal composition/MERCK

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 65(1)

**Keyword:**

"Missing Statement of Grounds"

**Decisions cited:**

-

**Catchword:**

-



Case Number: T 0148/03 - 3.3.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.1  
of 21 January 2005

**Appellant:** CHISSO CORPORATION  
(Proprietor of the patent) 6-32, Nakanoshima 3-chome  
Kitaku  
Osaka (JP)

**Representative:** Stein-Dräger, Christiane  
Hoffman Eitle,  
Patent- und Rechtsanwälte  
Arabellastrasse 4  
D-81925 München (DE)

**Respondent(s):** Merck Patent GmbH  
(Opponent) Postfach  
Frankfurter Strasse 250  
D-64293 Darmstadt (DE)

**Representative:** -

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 28 November 2002  
revoking European patent No. 0681020 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** A. J. Nuss  
**Members:** J. M. Jonk  
R. T. Menapace

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 28 November 2002 revoking the European patent No. 0681020. The decision was dispatched by registered letters with advice of delivery on 28 November 2002. The proprietor filed a notice of appeal by letter dated 28 January 2003, received on 28 January 2003, and paid the fee for appeal on 28 January 2003. 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 27 May 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:

N. Maslin

A. Nuss