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D E C I S I O N
of 15 January 2004

Case Number: T 0160/03 - 3.3.3

Application Number: 93200211.6

Publication Number: 0544652

IPC: C08J 5/18

Language of the proceedings: EN

Title of invention:
Polyolefine films

Patentee:
ExxonMobil Chemical Patents Inc.

Opponent:
Trespaphan GmbH
Hercules Incorporated

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0160/03 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 15 January 2004

Appellant: ExxonMobil Chemical Patents Inc.
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Representative: van Heesch, Helmut Werner
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Respondent: Trespaphan GmbH
(Opponent 01) Bergstrasse
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Representative: Luderschmidt, Schüler & Partner GbR
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Respondent: Hercules Incorporated
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Representative: Lederer, Franz, Dr.
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 2 December 2002
revoking European patent No. 0544652 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: R. J. Young
Members: A. Däweritz
J. H. Van Moer

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 2 December 2002 revoking the European patent No. 544 652.

The Appellant filed a notice of appeal by a letter received on 30 January 2003 and paid the fee for appeal on the same day. 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 30 June 2003 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. 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:

E. Görgmaier

R. Young