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D E C I S I O N
of 18 December 2003

Case Number: T 0502/03 - 3.3.1

Application Number: 97104946.5

Publication Number: 0787709

IPC: C07C 31/20

Language of the proceedings: EN

Title of invention:
An improved process for the preparation of 1,3-butylene glycol

Patentee:
Daicel Chemical Industries, Ltd.

Opponent:
Celanese International Corporation

Headword:
-

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

Keyword:
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Decisions cited:
-

Catchword:
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Case Number: T 0502/03 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 18 December 2003

Appellant: (Opponent)	Celanese International Corporation 1601 West LBJ Freeway Dallas Texas 75234 (US)
Representative:	James, Anthony Christopher W.P. Carpmaels & Ransford 43, Bloomsbury Square London WC1A 2RA (GB)
Respondent: (Proprietor of the patent)	Daicel Chemical Industries, Ltd. 1, Teppo-Cho Sakai-shi Osaka-fu (JP)
Representative:	Portal, Gérard Cabinet Beau de Loménie 158, rue de l'Université F-75340 Paris Cédex 07 (FR)
Decision under appeal:	**Decision of the Opposition Division of the European Patent Office posted 26 March 2003 rejecting the opposition filed against European patent No. 0787709 pursuant to Article 102(2) EPC.**

Composition of the Board:

Chairman: A. J. Nuss
Members: P. F. Ranguis
R. T. Menapace

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 26 March 2003 rejecting the opposition filed against the European patent No. 0 787 709. The decision was dispatched by registered letters with advice of delivery on 26 March 2003. The opponent filed a notice of appeal by letter dated 30 April 2003, received on 30 April 2003, and paid the fee for appeal on 30 April 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 to 10 September 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