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D E C I S I O N
of 31 October 2003

Case Number: T 0752/03 - 3.3.7

Application Number: 95922002.1

Publication Number: 0766719

IPC: C09D 167/04

Language of the proceedings: EN

Title of invention:

Method for producing a biologically degradable polyhydroxyalkanoate coating with the aid of an aqueous dispersion of polyhydroxyalkanoate

Applicant:

Stichting Onderzoek en Ontwikkeling Noord Nederland (SOONN)

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement setting out the grounds of appeal"

Decisions cited:

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Catchword:

-



Case Number: T 0752/03 - 3.3.7

D E C I S I O N
of the Technical Board of Appeal 3.3.7
of 31 October 2003

Appellant: Stichting Onderzoek en Ontwikkeling Noord
Nederland (SOONN)
Pallasweg 1
P.O. Box 225
NL-8901 BA Leeuwarden (NL)

Representative: Huygens, Arthur Victor
Octrooibureau Huygens,
Hondsdrif 8
NL-3401 LA Ijsselstein (NL)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 30 January 2003
refusing European application No. 95922002.1
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: R. E. Teschemacher
Members: B. J. M. Struif
B. L. Ter Laan

Summary of Facts and Submissions

I. The appeal contests the decision of the Examining Division of the European Patent Office posted on 30 January 2003 refusing European patent application No. 95 922 002.1 as published as WO 96/00263, pursuant to Article 97(1) EPC.

The applicant (appellant) filed a notice of appeal on 8 April 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 communication dated 1 August 2003, sent by registered letter with advice of delivery, 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 informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

III. No answer has been received within the given time limit 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) EPO)

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

C. Eickhoff

R. Teschemacher