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D E C I S I O N
of 17 November 2005

Case Number: T 0893/03 - 3.3.10

Application Number: 89912503.3

Publication Number: 0406433

IPC: C09K 5/04

Language of the proceedings: EN

Title of invention:

Tetrafluoroethane composition for a refrigerator

Patentee:

ASAHI GLASS COMPANY LTD.

Opponent:

Nippon Oil Co. Ltd.

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 0893/03 - 3.3.10

D E C I S I O N
of the Technical Board of Appeal 3.3.10
of 17 November 2005

Appellant: Nippon Oil Co. Ltd.
(Opponent) 3-12, 1-chome Nishi-Shinbashi Minato-ku
Tokyo 105 (JP)

Representative: Jung HML
Schraudolphstraße 3
D-80799 München (DE)

Respondent: ASAHI GLASS COMPANY LTD.
(Proprietor of the patent) 1-2, Marunouchi 2-chome
Chiyoda-ku
Tokyo 100 (JP)

Representative: Wächtershäuser, Günter
Wächtershäuser & Hartz
Weinstraße 8
D-80333 München (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
on 18 June 2003 concerning maintenance of
European patent No. 0406433 in amended form.

Composition of the Board:

Chairman: R. Freimuth
Members: P. Gryczka
D. Rogers

Summary of Facts and Submissions

- I. In its decision dated 18 June 2003 the Opposition Division maintained the European patent No. 0 406 433 in amended form.

- II. The Appellant (Opponent) appealed against the decision of the Opposition Division on 14 August 2003, requesting that the patent be revoked. The appeal fee was paid on 14 August 2003. No Statement of Grounds has been filed.

- III. By a communication dated 2 December 2003 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.

- IV. 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:

C. Moser

R. Freimuth