

**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 30 March 2004**

**Case Number:** T 1069/03 - 3.3.1

**Application Number:** 99902573.7

**Publication Number:** 1051375

**IPC:** C07C 5/42

**Language of the proceedings:** EN

**Title of invention:**  
Process for preparing cyclic monomers

**Applicant:**  
Optatech Corporation

**Opponent:**  
-

**Headword:**  
-

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

**Keyword:**  
"Missing statement of grounds of appeal"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 1069/03 - 3.3.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.1  
of 30 March 2004

**Appellant:** Optatech Corporation  
Luomannotko 4  
FI-02200 Espoo (FI)

**Representative:** Sundamn, Christoffer  
Seppo Laine Oy  
Itämerenkatu 3 B  
FI-00180 Helsinki (FI)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 6 May 2003  
refusing European application No. 99902573.7  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** A. J. Nuss  
**Members:** P. F. Ranguis  
J. H. van Moer

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Examining Division of the European Patent Office dispatched by registered letter with advice of delivery to the Applicant on 6 May 2003, refusing the European patent application No. 99 902 573.7.

The Appellant filed a Notice of Appeal by a letter received on 4 July 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 5 December 2003, sent by registered post, the Registrar 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 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 given 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) EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Maslin

A. Nuss