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D E C I S I O N
of 27 July 2004

Case Number: T 1100/03 - 3.3.3

Application Number: 95928342.5

Publication Number: 0778861

IPC: C08K 3/04

Language of the proceedings: EN

Title of invention:

Melt-processable electroconductive fluoroplastic

Patentee:

Dyneon LLC

Opponent:

Solvay (Société Anonyme)

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 1100/03 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 27 July 2004

Appellant:
(Proprietor of the patent) Dyneon LLC
3M Center
Building 220-10E-10
Saint Paul
Minnesota 55144-1000 (US)

Representative:
VOSSIUS & PARTNER
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D-81634 München (DE)

Respondent:
(Opponent) Solvay (Société Anonyme)
Rue du Prince Albert, 33
B-1050 Brussels (BE)

Representative:
Jacques, Philippe
Solvay S.A.
Département de la Propriété Industrielle
Rue de Ransbeek, 310
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
12 August 2003 concerning maintenance of
European patent No. 0778861 in amended form.

Composition of the Board:

Chairman: R. J. Young
Members: C. G. Idez
H. Preglau

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 12 August 2003 concerning maintaining of the European patent No. 0 778 861 in amended form.

The Appellant (Proprietor) filed a Notice of Appeal on 22 October 2003 and paid the fee for appeal on the same date.

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 10 February 2004 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 invited to file observations within two months.
- III. No answer to the Registry's communication has been received.

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