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D E C I S I O N
of 26 July 2004

Case Number: T 0178/04 - 3.3.3

Application Number: 97118713.3

Publication Number: 0838497

IPC: C08L 23/10

Language of the proceedings: EN

Title of invention:

Olefin thermoplastic elastomer composition

Applicant:

Mitsui Chemicals, Inc.

Opponent:

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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 0178/04 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 26 July 2004

Appellant:

Mitsui Chemicals, Inc.
2-5, Kasumigaseki 3-chome
Chiyoda-ku
Tokyo 100 (JP)

Representative:

Hansen, Bernd, Dr. Dipl.-Chem.
Hoffman Eitle,
Patent- und Rechtsanwälte
Arabellastrasse 4
D-81925 München (DE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 21 August 2003
refusing European application No. 97 118 713.3
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: R. J. Young
Members: C. G. Idez
E. J. Dufrasne

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office posted 21 August 2003 refusing the European patent application No. 97 118 713.3.

The Appellant filed a Notice of Appeal by letter received on 21 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 24 February 2004 sent by registered letter with advice of delivery, 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 given the opportunity of filing observations within two months and attention was drawn to Article 122 EPC.
- III. No answer was 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:

E. Görgmaier

R. Young