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D E C I S I O N
of 13 December 2004

Case Number: T 0303/04 - 3.3.3

Application Number: 92111701.6

Publication Number: 0524501

IPC: C08G 18/02

Language of the proceedings: EN

Title of invention:

A process for the production of polyisocyanates containing allophanate and isocyanurate groups

Patentee:

Bayer Corporation

Opponent:

RHODIA CHIMIE

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 0303/04 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 13 December 2004

Appellant: RHODIA CHIMIE
(Opponent) 25, quai Paul-Doumer
F-92408 Courbevoie Cédex (FR)

Representative: Ricalens, François
Rhodia Services
Direction de la Propriété Industrielle
40, rue de la Haie-Coq
F-93306 Aubervilliers Cedex (FR)

Respondent: Bayer Corporation
(Proprietor of the patent) One Mellon Center
500 Grant Street
Pittsburgh, PA 15219-2502 (US)

Representative: Klimiuk, Meike
Bayer AG
Konzernbereich RP
Patente und Lizenzen
D-51368 Leverkusen (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office dated
5 December 2003 and posted 30 December 2003
concerning maintenance of European patent
No. 0524501 in amended form.

Composition of the Board:

Chairman: R. Young
Members: W. Sieber
E. Dufrasne

Summary of Facts and Submissions

I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 30 December 2003, maintaining the European patent No. 0 524 501 in amended form.

The Appellant (Opponent) filed a Notice of Appeal on 26 February 2004 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 11 June 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 and attention was drawn to Rule 84a EPC (late receipt of documents) and to Article 122 EPC (re-establishment of rights).

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