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D E C I S I O N
of 8 December 2004

Case Number: T 0813/04 - 3.3.7

Application Number: 96908984.6

Publication Number: 0821615

IPC: B01D 61/00

Language of the proceedings: EN

Title of invention:

Nanofiltration of concentrated aqueous salt solutions

Patentee:

Kvaerner Chemetics Inc.

Opponent:

BASF Aktiengesellschaft

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 0813/04 - 3.3.7

D E C I S I O N
of the Technical Board of Appeal 3.3.7
of 8 December 2004

Appellant: Kvaerner Chemetics Inc.
(Proprietor of the patent) 1818 Cornwall Avenue
Vancouver
B.C. V6J 1C7 (CA)

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

Respondent: BASF Aktiengesellschaft, Ludwigshafen
(Opponent) -Patentabteilung - C6-
Carl-Bosch-Strasse 38
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Representative: Issenbruck, Günter, Dr.
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
13 April 2004 concerning maintenance of
European patent No. 0821615 in amended form.

Composition of the Board:

Chairman: R. E. Teschemacher
Members: B. J. M. Struif
B. L. ter Laan

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office posted on 13 April 2004 concerning maintenance of the European patent No. 0821615 in amended form

The Appellant (Proprietor of the patent) filed a notice of appeal on 22 June 2004 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. In a communication dated 22 September 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 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.

In addition he was invited to make clear if its auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal had not been filed

- III. In reply, the appellant withdrew its auxiliary request for oral proceedings.

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. Eickhoff

R. Teschemacher