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**D E C I S I O N**  
**of 28 June 2005**

**Case Number:** T 1104/04 - 3.3.1

**Application Number:** 97954493.9

**Publication Number:** 0937023

**IPC:** C07C 45/50

**Language of the proceedings:** EN

**Title of invention:**

Process for the preparation of an aldehyde

**Patentee:**

DSM IP Assets B.V., et al.

**Opponent:**

The Dow Chemical Company

**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 1104/04 - 3.3.1

**D E C I S I O N**  
**of the Technical Board of Appeal 3.3.1**  
**of 28 June 2005**

**Respondent:** The Dow Chemical Company  
(Opponent) 2030 Abbott Road  
Dow Center  
Midland, Michigan 48640 (US)

**Representative:** Hayes, Adrian Chetwynd  
Boult Wade Tennant  
Verulam Gardens  
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London WC1X 8BT

**Appellant:** DSM IP Assets B.V.  
(Proprietor of the patent) Het Overloon 1  
NL-6411 TE Heerlen (NL)

**Representative:** Kleiborn, Paul Erik  
DSM Patents & Trademarks  
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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
30 June 2004 concerning maintenance of European  
patent No. 0937023 in amended form.

**Composition of the Board:**

**Chairman:** A. J. Nuss  
**Members:** P. F. Ranguis  
S. C. Perryman

## **Summary of Facts and Submissions**

I. The appeal contests the decision of the opposition division of the European Patent Office dispatched by registered letter with advice of delivery to the proprietor on 30 June 2004, and concerning maintenance of the European patent No. 937 023 in amended form.

The appellant filed a notice of appeal by a letter received on 8 September 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. By a communication dated 17 December 2004, 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 61(5) EPC).

**Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

U. Bultmann

A. Nuss