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**D E C I S I O N**  
**of 27. April 2006**

**Case Number:** T 0793/05 - 3.3.03

**Application Number:** 95102966.9

**Publication Number:** 0670337

**IPC:** C08F 10/02

**Language of the proceedings:** EN

**Title of invention:**

Ethylene polymer and catalyst for its preparation comprising a solid titanium catalyst component

**Patentee:**

Mitsui Chemicals, Inc.

**Opponent:**

Borealis Polymers OY

**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 0793/05 - 3.3.03

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.03  
of 27. April 2006

**Appellant:**  
(Opponent)

Borealis Polymers OY  
P.O. Box 330  
FI-06101 Porvoo (FI)

**Representative:**

Kador, Ulrich  
Kador & Partner  
Corneliusstrasse 15  
D-80469 München (DE)

**Respondent:**  
(Proprietor of the patent)

Mitsui Chemicals, Inc.  
5-2, Higashi-Shimbashi 1-Chome  
Minato-ku  
Tokyo (JP)

**Representative:**

Hansen, Bernd  
Hoffmann Eitle  
Patent- und Rechtsanwälte  
Arabellastrasse 4  
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**Decision under appeal:**

Decision of the Opposition Division of the  
European Patent Office posted 4 May 2005  
rejecting the opposition filed against European  
patent No. 0670337 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** R. Young  
**Members:** M. Gordon  
E. Dufrasne

## **Summary of Facts and Submissions**

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 4 May 2005, rejecting the opposition pursuant to Article 102(2) EPC.

The Appellant filed a notice of appeal on 24 June 2005 and paid the fee for appeal on the same day.

No Statement of Grounds was filed.

II. By a communication dated 21 October 2005 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 and the notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC, 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