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**Datasheet for the decision  
of 13 March 2007**

**Case Number:** T 0937/06 - 3.3.05

**Application Number:** 97930992.9

**Publication Number:** 0909296

**IPC:** C09C 1/56

**Language of the proceedings:** EN

**Title of invention:**

Modified carbon products and amphiphilic ions containing compositions

**Patentee:**

CABOT CORPORATION

**Opponent:**

Degussa AG

**Headword:**

Modified carbon products/CABOT

**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"No statement of grounds of appeal"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0937/06 - 3.3.05

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.05  
of 13 March 2007

**Appellant:** Degussa AG  
(Opponent) Rodenbacher Chaussee 4  
D-63457 Hanau-Wolfgang (DE)

**Representative:** -

**Respondent:** CARBOT CORPORATION  
(Patent Proprietor) Two Seaport Lane  
Suite 1300  
Boston  
Massachusetts 02210-2019 (US)

**Representative:** Goldbach, Klara  
Grünecker, Kinkeldey, Stockmair &  
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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
3 April 2006 concerning maintenance of European  
patent No. 0909296 in amended form.

**Composition of the Board:**

**Chairman:** M. Eberhard  
**Members:** E. Wäckerlin  
S. Hoffmann

## **Summary of Facts and Submissions**

I. The appeal contests the interlocutory decision of the opposition division of the European Patent Office posted on 3 April 2006, by virtue of which European Patent No. 0 909 296 was maintained in amended form.

The appellant (patentee) filed a notice of appeal on 13 June 2006 and paid the fee for the appeal on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.

II. By a communication dated 18 September 2006 sent by registered letter with advice of delivery, the appellant was informed by the Office that no statement of grounds of appeal appeared to have been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months. Attention was also drawn to Article 122 EPC. The appellant did not reply to said communication, and no request for re-establishment of rights was filed.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed by the appellant and as the notice of appeal does not contain any statement that could be regarded as a statement of grounds of appeal 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.

Registrar:

Chairman:

C. Vodz

M. Eberhard