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**Datasheet for the decision  
of 18 April 2007**

**Case Number:** T 1200/06 - 3.3.09

**Application Number:** 94115508.7

**Publication Number:** 0704476

**IPC:** C08J 9/10

**Language of the proceedings:** EN

**Title of invention:**

Plastic foam material composed of a polyolefin composition and method for making same

**Patentee:**

SEKISUI CHEMICAL CO., LTD.

**Opponent:**

Trocellen GmbH

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Appeal inadmissible"

"Missing Statement of Grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1200/06 - 3.3.09

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.09  
of 18 April 2007

**Appellant:** Trocellen GmbH  
(Opponent) Mülheimer Strasse 26  
D-53840 Troisdorf (DE)

**Representative:** Wübken, Ludger  
c/o Profine GmbH  
Patentabteilung, Geb. 56  
D-53839 Troisdorf (DE)

**Respondent:** SEKISUI CHEMICAL CO., LTD.  
(Patent Proprietor) 4-4, Nishitemma 2-chome  
Kita-ku  
Osaka-shi  
Osaka 530 (JP)

**Representative:** Maiwald Patentanwalts GmbH  
Elisenhof  
Elisenstrasse 3  
D-80335 München (DE)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 22 May 2006  
rejecting the opposition filed against European  
patent No. 0704476 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** P. Kitzmantel  
**Members:** J. Jardón Álvarez  
M.-B. Tardo-Dino

## **Summary of Facts and Submissions**

I. This case relates to the decision of the Opposition Division orally announced on 25 April 2006 and issued in writing on 22 May 2006 concerning the rejection of the opposition filed against European Patent No. 0 704 476.

The Appellant (Opponent) filed a notice of appeal on 1 August 2006 and paid the appeal fee on the same day. No separate statement setting out the grounds of appeal was filed.

II. By a communication dated 6 November 2006, 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. Attention was drawn to Rule 84a EPC, to the decision of the President of the EPO dated 11.12.1998 (OJ 1999, 45) and to Article 122 EPC. The Appellant was invited to file observations within two months.

III. No reply was received within this time-limit.

## **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 ground of appeal, the appeal is inadmissible pursuant to 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 register:

The Chairman:

G. Röhn

P. Kitzmantel