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**Datasheet for the decision  
of 5 June 2007**

**Case Number:** T 1342/06 - 3.2.03

**Application Number:** 99115215.8

**Publication Number:** 0995958

**IPC:** F25J 3/04

**Language of the proceedings:** EN

**Title of invention:**

Method to avoid flooding in a cryogenic rectification column

**Patentee:**

PRAXAIR TECHNOLOGY, INC.

**Opponent:**

L'AIR LIQUIDE, S.A.

**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 1342/06 - 3.2.03

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.03  
of 5 June 2007

**Appellant:** PRAXAIR TECHNOLOGY, INC.  
(Patent Proprietor) 39 Old Ridgebury Road  
Danbury, CT 06810-5113 (US)

**Representative:** Schwan, Gerhard  
Schwan Schwan Schorer  
Patentanwälte  
Bauerstraße 22  
D-80796 München (DE)

**Respondent:** L'AIR LIQUIDE, S.A.  
(Opponent) pour l'étude et l'exploitation  
des procédés Georges Claude  
75 quai d'Orsay  
F-75007 Paris (FR)

**Representative:** Mercey, Fiona Susan  
l'Air Liquide  
Service Propriété Intellectuelle  
75 quai d'Orsay  
F-75007 Paris (FR)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 22 June 2006  
revoking European patent No. 0995958 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** U. Krause  
**Members:** C. Donnelly  
I. Beckedorf

## **Facts and submissions**

- I. The appellant contests the decision of the opposition division of the European Patent Office dated 22.06.2006 revoking European patent No. 995958.

The appellant filed a notice of appeal on 25.08.2006 and paid the appeal fee on the same day.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

- II. In a communication dated 11.12.2006, the Board informed the parties that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.
- III. The appellant filed no observations in response to said communication.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 65(1) EPC.

## **Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

T. Buschek

U. Krause