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D E C I S I O N
of 2 July 2007

Case Number: T 1525/06 - 3.3.03

Application Number: 98107789.4

Publication Number: 0875530

IPC: C08K 3/20

Language of the proceedings: EN

Title of invention:

Olefin polymer composition having low smoke generation and fiber and film prepared therefrom

Patentee:

BASELL NORTH AMERICA INC.

Opponent:

Ciba Specialty Chemicals Holding Inc.

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 1525/06 - 3.3.03

D E C I S I O N
of the Technical Board of Appeal 3.3.03
of 2 July 2007

Appellant: BASELL NORTH AMERICA INC.
(Proprietor of the patent) 912 Appleton Road
Elkton
Maryland 21921 (US)

Representative: Luderschmidt, Schüler & Partner
Patentanwälte
John-F.-Kennedy-Strasse 4
D-65189 Wiesbaden (DE)

Respondent: Ciba Specialty Chemicals Holding Inc.
(Opponent) Klybeckstrasse 141
P.O. Box/Postfach
CH-4002 Basel (CH)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 25 July 2006
revoking European patent No. 0875530 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: R. Young
Members: W. Sieber
E. Dufrasne

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 25 July 2006, revoking the European patent No. 0875530. The Appellant filed a notice of appeal on 4 October 2006 and paid the fee for appeal on the same day. No Statement of Grounds was filed.

- II. By a communication dated 8 January 2007 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