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**Datasheet for the decision
of 2 November 2007**

Case Number: T 0163/07 - 3.2.03

Application Number: 99304383.5

Publication Number: 0969258

IPC: F25J 3/04

Language of the proceedings: EN

Title of invention:

Production of argon by a cryogenic air separation process

Patentee:

AIR PRODUCTS AND CHEMICALS, 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 0163/07 - 3.2.03

DECISION
of the Technical Board of Appeal 3.2.03
of 2 November 2007

Appellant:
(Opponent)
L'AIR LIQUIDE, S.A. A DIRECTOIRE ET CONSEIL DE
SURVEILLANCE POUR L'ETUDE ET L'EXPLOITATION
DES PROCEDES GEORGES CLAUDE
75 Quai d'Orsay
F-75321 Paris Cedex 07 (US)

Representative:
Mercey, Fiona Susan
L'Air Liquide
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Respondent:
(Patent Proprietor)
AIR PRODUCTS AND CHEMICALS, INC.
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Allentown
PA 18195-1501 (US)

Representative:
Burford, Anthony Frederick
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Decision under appeal:
Decision of the Opposition Division of the
European Patent Office posted 20 November 2006
rejecting the opposition filed against European
patent No. 0969258 pursuant to Article 102(2)
EPC.

Composition of the Board:

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

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 27 September 2006 rejecting the opposition filed against the European patent No. 0 969 258. The decision was dispatched by registered letter with advice of delivery on 20 November 2006. The Opponent filed a notice of appeal by fax dated 29 January 2007, received on 29 January 2007 and paid the fee for appeal on 29 January 2007. No Statement of Grounds was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.
- II. By a communication dated 7 May 2007 and sent by registered post, 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. The Appellant filed no observations in response to said communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, 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:

A. Counillon

U. Krause