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**Datasheet for the decision
of 28 May 2008**

Case Number: T 0915/07 - 3.3.06

Application Number: 01914751.1

Publication Number: 1265700

IPC: B01J 19/00

Language of the proceedings: EN

Title of invention:

Parallel flow process optimization reactor

Patentee:

Symyx Technologies, Inc.

Opponent:

Evonik Degussa GmbH

Headword:

-

Relevant legal provisions (EPC 1973):

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 0915/07 - 3.3.06

D E C I S I O N
of the Technical Board of Appeal 3.3.06
of 28 May 2008

Appellant:
(Opponent)

Evonik Degussa GmbH
Rodenbacher Chaussee 4
D-63457 Hanau (DE)

Representative:

Weber, Wolfgang
Evonik Degussa GmbH
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Respondent:
(Patent Proprietor)

Symyx Technologies, Inc.
3100 Central Expressway
Santa Clara, CA 95051 (US)

Representative:

Grünecker, Kinkeldey,
Stockmair & Schwanhäusser
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Decision under appeal:

Decision of the Opposition Division of the
European Patent Office posted 5 April 2007
rejecting the opposition filed against European
patent No. 1265700 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: P.-P. Bracke
Members: P. Ammendola
J. Van Moer

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 05 April 2007, rejecting the opposition pursuant to Article 102 (2) EPC 1973.
- II. The Appellant (Opponent) filed a notice of appeal on 23 May 2007 and paid the fee for appeal on the same day.
- III. No written statement setting out the grounds of appeal was filed within the four-month time limit provided for in Article 108 EPC 1973.
The notice of appeal does not contain anything that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC 1973. No further submissions were filed by the Appellant.
- IV. In a communication dated 16 October 2007 sent by registered letter with advice of delivery, the Board informed the Appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible pursuant to Article 108 EPC 1973 in conjunction with Rule 65(1) EPC 1973.
- V. The Appellant was invited to file observations within two months from notification of the communication and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC 1973.
- VI. No answer has been given within the given time limit to the Board's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed and as the notice of appeal does not contain anything that could be regarded as a statement setting out the grounds of appeal according to Article 108 EPC 1973, the appeal has to be rejected as inadmissible (Article 108 EPC 1973 in conjunction with Rule 65(1) EPC 1973).

Order

For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

C. Eickhoff

P.-P. Bracke