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**Datasheet for the decision
of 17 January 2008**

Case Number: T 0932/07 - 3.3.01

Application Number: 01904064.1

Publication Number: 1254144

IPC: C07F 9/30

Language of the proceedings: EN

Title of invention:
Novel phosphorous compounds

Patentee:
Rhodia Consumer Specialities Limited

Opponent:
Clariant Verwaltungsgesellschaft mbH

Headword:
Phosphorous compounds/RHODIA

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):
EPC R. 65(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-



Case Number: T 0932/07 - 3.3.01

D E C I S I O N
of the Technical Board of Appeal 3.3.01
of 17 January 2008

Respondent: Clariant Verwaltungsgesellschaft mbH
(Opponent) Brünningstraße 50
D-65929 Frankfurt am Main (DE)

Representative: Mikulecky, Klaus
Clariant Produkte (Deutschland) GmbH
Group Intellectual Property
Am Unisys-Park 1
D-65843 Sulzbach (DE)

Appellant: Rhodia Consumer Specialities Limited
(Patent Proprietor) P.O. Box 3
210-222 Hagely Road West
Oldbury,
West Midlands B68 0NN (GB)

Representative: Trueman, Lucy Petra
Barker Brettell
138 Hagely Road
Edgbaston
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted 3
April 2007 concerning maintenance of European
patent No. 1254144 in amended form.

Composition of the Board:

Chairman: P. Ranguis
Members: C. M. Radke
R. Menapace

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dispatched by registered letter with advice of delivery to the applicant on 3 April 2007, and concerning maintenance of the European patent No. 1254144 in amended form.

The Proprietor filed a Notice of Appeal by a letter received on 6 June 2007 and paid the fee for appeal on the same day. 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 24 September 2007, sent by registered post, the Registrar of the Board informed the Appellant that no Statement of Grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

- III. No answer has been given within the time limit to the Registry's 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 101(1) EPC formerly Rule 65(1) EPC 1973).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

N. Maslin

P. Ranguis