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**Datasheet for the decision  
of 27 February 2008**

**Case Number:** T 1139/07 - 3.3.01

**Application Number:** 01966171.9

**Publication Number:** 1360181

**IPC:** C07D 301/10

**Language of the proceedings:** EN

**Title of invention:**

Epoxidation catalyst and process

**Patentee:**

ARCO Chemical Technology, L.P.

**Opponent:**

THE DOW CHEMICAL COMPANY

**Headword:**

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**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:**

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Case Number: T 1139/07 - 3.3.01

**DECISION**  
of the Technical Board of Appeal 3.3.01  
of 27 February 2008

(Opponent)

THE DOW CHEMICAL COMPANY  
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**Representative:**

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**Respondent:**

(Patent Proprietor)

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**Decision under appeal:**

Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
7 May 2005 concerning maintenance of European  
patent No. 1360181 in amended form.

**Composition of the Board:**

**Chairman:** P. Ranguis  
**Members:** J.-B. Ousset  
C.-P. Brandt

## **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 7 May 2007, and concerning maintenance of the European patent No. 1360181 in amended form.

The Appellant filed a Notice of Appeal by a letter received on 17 July 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 23 October 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 given 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