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**Datasheet for the decision
of 14 April 2008**

Case Number: T 1669/07 - 3.3.07

Application Number: 97104871.5

Publication Number: 0798036

IPC: B01D 69/12

Language of the proceedings: EN

Title of invention:

Highly permeable composite reverse osmosis membrane and a reverse osmosis membrane module using the same

Patent proprietors:

NITTO DENKO CORPORATION

Opponents:

Toray Industries, Inc.

Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing Statement of Grounds"
"Appeal inadmissible"

Decisions cited:

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Catchword:

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Case Number: T 1669/07 - 3.3.07

DECISION
of the Technical Board of Appeal 3.3.07
of 14 April 2008

Appellants:

(Patent Proprietors)

NITTO DENKO CORPORATION
1-2, Shimohozumi 1-chome
Ibaraki-shi
Osaka 567 (JP)

Representative:

Vossius & Partner
Siebertstrasse 4
D-81675 München (DE)

Respondents:

(Opponents)

Toray Industries, Inc.
2-1 Nihonbashi Muromachi 2-chome
Chuo-ku, Tokyo 103 (JP)

Representative:

Webster, Jeremy Mark
Mewburn Ellis LLP
York House
23 Kingsway
London
WC2B 6HP (GB)

Decision under appeal:

Decision of the Opposition Division of the
European Patent Office posted 16 July 2007
revoking European patent No. 0798036 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman:

S. Perryman

Members:

G. Santavicca

B. ter Laan

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 16 July 2007 revoking European patent No. 0798036 pursuant to Article 102(1) EPC.

The appellants (proprietors of the patent) filed a notice of appeal on 21 September 2007 and paid the fee for appeal on the same day.

No statement of grounds was however filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

- II. In a communication dated 3 January 2008 sent by registered letter with advice of delivery, the Registry of the Board informed the appellants that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellants were invited to file any observations within two months.
- III. By letter dated 10 April 2008, the appellants withdrew their request for oral proceedings.

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 in conjunction with Rule 101 (1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

C. Eickhoff

S. Perryman