

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 16 March 2009**

Case Number: T 1223/08 - 3.3.03

Application Number: 02738090.6

Publication Number: 1397432

IPC: C08L 23/10

Language of the proceedings: EN

Title of invention:
Polypropylene resin composition

Patentee:
Basell Poliolefine Italia S.p.A.

Opponent:
Borealis Technology OY

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-

Case Number: T 1223/08 - 3.3.03

D E C I S I O N
of the Technical Board of Appeal 3.3.03
of 16 March 2009

Appellant: Borealis Technology OY
(Opponent) P.O. Box 330
FI-06101 Porvoo (FI)

Representative: Kador, Ulrich
Kador & Partner
Corneliusstrasse 15
D-80469 München (DE)

Respondent: Basell Poliolefine Italia S.p.A.
(Patent Proprietor) Via Pergolesi 25
I-20124 Milano (IT)

Representative: Gaverini, Gaetano Luigi Attilio
Basell Poliolefine Italia S.r.l.
Intellectual Property
P. le Privato G. Donegani, 12
Casella Postale 19
I-44100 Ferrara (IT)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
23 April 2008 concerning maintenance of
European patent No. 1397432 in amended form.

Composition of the Board:

Chairman: R. Young
Members: A. Däweritz
C. Vallet

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 23 April 2008 concerning maintenance of the European patent No. 1397432 in amended form.

The Appellant (Opponent) filed a Notice of Appeal by letter received on 23 June 2008 and paid the fee for appeal on the same date.

No Statement of Grounds was filed.

II. By a communication dated 9 October 2008 sent by registered letter with advice of delivery, 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 given the opportunity of filing observations within two months.

III. No answer to the Registry's communication has been received.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, and the notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC 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:

E. Görgmaier

R. Young