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**Datasheet for the decision
of 20 April 2009**

Case Number: T 1768/08 - 3.3.08

Application Number: 00913538.5

Publication Number: 1166105

IPC: G01N 33/48

Language of the proceedings: EN

Title of invention:

Rapid colorimetric method for measuring polymers in aqueous systems

Applicant:

NALCO CHEMICAL COMPANY

Headword:

Colorimetric method/NALCO

Relevant legal provisions:

EPC Art. 108
EPC R. 101

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1768/08 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 20 April 2009

Appellant: NALCO CHEMICAL COMPANY
One Nalco Center
Naperville
Illinois 60563-1198 (US)

Representative: Harrison Goddard Foote
Belgrave Hall
Belgrave Street
Leeds LS2 8DD (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 13 March 2008
refusing European application No. 00913538.5
pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: L. Galligani
Members: P. Julià
C. Heath

Summary of Facts and Submissions

- I. The applicant (appellant) filed on 13 May 2008 a notice of appeal against the decision of the examining division dated 13 March 2008, whereby the European patent application No. 00 913 538.5 was refused pursuant to Article 97(2) EPC. The appeal fee was paid on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 27 October 2008 sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months but did not reply to said communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according 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

G. Nachtigall

L. Galligani