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**Datasheet for the decision
of 30 November 2009**

Case Number: T 0524/09 - 3.3.03

Application Number: 95942714.7

Publication Number: 0861293

IPC: C08L 23/16

Language of the proceedings: EN

Title of invention:

Gaskets especially for refrigerators based on alpha-olefin polymers

Patentee:

INDUSTRIE ILPEA S.p.A.

Opponent:

REHAU AG & Co.

Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

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Case Number: T 0524/09 - 3.3.03

D E C I S I O N
of the Technical Board of Appeal 3.3.03
of 30 November 2009

(Opponent) REHAU AG & Co.
Rheniumhaus
D-95111 Rehau (DE)

Representative: -

Respondent: INDUSTRIE ILPEA S.p.A.
(Patent Proprietor) Viale dell'Industria, 37
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Representative: De Gregori, Antonella
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office, dated
08 October 2008, and posted 17 December 2008
concerning maintenance of European patent
No. 0861293 in amended form.

Composition of the Board:

Chairman: R. Young
Members: M. C. Gordon
C.-P. Brandt

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 08 October 2008 and posted 17 December 2008 concerning maintenance of the European patent No. 861 293 in amended form.

The Appellant (Opponent) filed a Notice of Appeal on 27 February 2009 and paid the fee for appeal on the same date. It was requested that the decision under appeal be set aside and that the patent be revoked. Auxiliarily, oral proceedings were requested.

No statement of Grounds of Appeal was filed by the Appellant. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC in conjunction with Rule 99(2) EPC.

- II. By a communication dated 02 June 2009 sent by registered letter with advice of delivery, the Registry of the Board informed the Appellant that no Statement of Grounds of Appeal had been filed and that its appeal could be expected to be rejected as inadmissible. The Appellant was given the opportunity of filing observations within 2 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 by the Appellant, and its Notice of Appeal contains

nothing that could be regarded as a Statement of Grounds of Appeal pursuant to Article 108 EPC in conjunction with Rule 99(2) EPC, its 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