

Internal distribution code:

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

**Datasheet for the decision
of 16 December 2013**

Case Number: T 1105/13 - 3.2.05
Application Number: 02078104.3
Publication Number: 1293360
IPC: B44D3/12
Language of the proceedings: EN

Title of invention:

A container for roller-applied coating compositions and its use in coating procedures for rough surfaces

Patent Proprietor:

Imperial Chemical Industries Limited

Opponents:

Jokey Plastik Gummersbach GmbH
Superfos A/S

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

Admissibility of appeal - (no)

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 1105/13 - 3.2.05

**D E C I S I O N
of Technical Board of Appeal 3.2.05
of 16 December 2013**

Appellant: Imperial Chemical Industries Limited
(Patent Proprietor) 26th Floor
Portland House
Bressenden Place
London
SW1E 5BG (GB)

Representative: Ellis, Christopher Paul
Akzo Nobel N.V.
Legal IP & Compliance
P.O. Box 9300
6800 SB Arnhem (NL)

Respondent: Jokey Plastik Gummersbach GmbH
(Opponent 2) Gutenbergstrasse 9
51645 Gummersbach (DE)

Representative: Gudat, Axel
Lippert, Stachow & Partner
Frankenforster Strasse 135-137
51427 Bergisch Gladbach (DE)

Respondent: Superfos A/S
(Opponent 3) Skimmedevej 10
4390 Vipperod (DK)

Representative: Münzer, Marc Eric
Guardian IP Consulting I/S
Diplomvej, Building 381
2800 Kgs. Lyngby (DK)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 7 March 2013
revoking European patent No. 1293360 pursuant to
Article 101(3) (b) EPC.**

Composition of the Board:

Chairman: M. Pooch
Members: W. Widmeier
G. Weiss

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division posted on 7 March 2013.
- II. The appellant filed a notice of appeal on 7 May 2013 and paid the appeal fee on the same day.
- III. By communication of 2 September 2013, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed and that it was therefore 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 informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



C. Vodz

M. Poock

Decision electronically authenticated