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**Datasheet for the decision
of 9 May 2017**

Case Number: T 2432/16 - 3.3.02

Application Number: 09717082.3

Publication Number: 2285948

IPC: C12M1/00, C12M3/00

Language of the proceedings: EN

Title of invention:

ENGINEERED CO2 FIXING MICROORGANISMS PRODUCING CARBON-BASED
PRODUCTS OF INTEREST

Patent Proprietor:

Joule Unlimited Technologies, Inc.

Opponent:

Algenol Biofuels Switzerland GmbH

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 2432/16 - 3.3.02

D E C I S I O N
of Technical Board of Appeal 3.3.02
of 9 May 2017

Appellant: Joule Unlimited Technologies, Inc.
(Patent Proprietor) 18 Crosby Drive
Bedford, MA 01730 (US)

Representative: Finnegan Europe LLP
16 Old Bailey
London EC4M 7EG (GB)

Respondent: Algenol Biofuels Switzerland GmbH
(Opponent) Alpenstr. 11
6300 Zug (CH)

Representative: Epping - Hermann - Fischer
Patentanwalts-gesellschaft mbH
Schloßschmidstraße 5
80639 München (DE)

Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on
25 August 2016 concerning maintenance of the
European Patent No. 2285948 in amended form.

Composition of the Board:

Chairman A. Lindner
Members: T. Sommerfeld
P. de Heij

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division, posted on 25 August 2016.
- II. The appellant filed a notice of appeal on 2 November 2016 and paid the appeal fee on the same day.
- III. By communication of 30 January 2017, 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:



N. Maslin

A. Lindner

Decision electronically authenticated