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**Datasheet for the decision
of 3 August 2017**

Case Number: T 0152/17 - 3.3.03

Application Number: 09740140.0

Publication Number: 2342259

IPC: C08G65/00

Language of the proceedings: EN

Title of invention:

IMPROVED PROCESS FOR PREPARING A POLY(ARYL ETHER KETONE) USING
A HIGH PURITY 4,4'-DIFLUOROBENZOPHENONE

Patent Proprietor:

Solvay Specialty Polymers USA, LLC.

Opponents:

Victrex Manufacturing Limited
Evonik Degussa GmbH

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

Admissibility of appeal - missing statement of grounds
Oral proceedings - no



Beschwerdekammern
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Chambres de recours

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Case Number: T 0152/17 - 3.3.03

D E C I S I O N
of Technical Board of Appeal 3.3.03
of 3 August 2017

Appellant: Solvay Specialty Polymers USA, LLC.
(Patent Proprietor) 4500 McGinnis Ferry Road
Alpharetta, GA 30005 (US)

Representative: Vande Gucht, Anne
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Département de la Propriété Industrielle
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1120 Bruxelles (BE)

Respondent: Victrex Manufacturing Limited
(Opponent 1) Hilhouse International
Thornton Cleveleys, Lancashire FY5 4QD (GB)

Representative: Appleyard Lees IP LLP
15 Clare Road
Halifax HX1 2HY (GB)

Respondent: Evonik Degussa GmbH
(Opponent 2) Rellinghauserstrasse 1-11
45128 Essen (DE)

Representative: Godemeyer Blum Lenze Patentanwälte
Partnerschaft mbB - werkpatent
An den Gärten 7
51491 Overath (DE)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 8 November 2016
revoking European patent No. 2342259 pursuant to
Article 101(3) (b) EPC.**

Composition of the Board:

Chairman D. Semino
Members: M. C. Gordon
 C. Brandt

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 6 October 2016, posted on 8 November 2016.
- II. The appellant filed a notice of appeal on 3 January 2017 and paid the appeal fee on the same day.
- III. By communication of 4 April 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:



B. ter Heijden

D. Semino

Decision electronically authenticated