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**Datasheet for the decision
of 4 April 2019**

Case Number: T 2200/18 - 3.3.06

Application Number: 04701488.1

Publication Number: 1587881

IPC: C09C1/00

Language of the proceedings: EN

Title of invention:

Multi-layer effect pigment with the outermost layer having a larger thickness

Patent Proprietor:

BASF Corporation

Opponent:

ECKART GmbH

Headword:

Multi-layer effect pigment / BASF

Relevant legal provisions:

EPC Art. 108

EPC R. 99(2), 101(1), 126(2)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 2200/18 - 3.3.06

D E C I S I O N
of Technical Board of Appeal 3.3.06
of 4 April 2019

Appellant: ECKART GmbH
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91235 Hartenstein (DE)

Representative: Walcher, Armin
Louis, Pöhlau, Lohrentz
Patentanwälte
Postfach 30 55
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Respondent: BASF Corporation
(Patent Proprietor) 100 Campus Drive
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Representative: Carpmaels & Ransford LLP
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London WC1B 5HA (GB)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
16 July 2018 concerning maintenance of the
European Patent No. 1587881 in amended form.**

Composition of the Board:

Chairman J.-M. Schwaller
Members: L. Li Voti
C. Heath

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 16 July 2018, posted on the same day.
- II. The opponent (hereinafter the "appellant") filed a notice of appeal on 6 September 2018 and paid the appeal fee on the same day.
- III. By communication of 14 December 2018, 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

As 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, and 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, 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:



D. Magliano

J.-M. Schwaller

Decision electronically authenticated