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**Datasheet for the decision  
of 30 April 2019**

**Case Number:** T 2247/18 - 3.3.10

**Application Number:** 07119432.8

**Publication Number:** 1916231

**IPC:** C07C17/25, C07C21/18, C07C17/20

**Language of the proceedings:** EN

**Title of invention:**  
Processes for selective dehydrohalogenation of halogenated alkanes

**Patent Proprietor:**  
Honeywell International Inc.

**Opponent:**  
ARKEMA FRANCE

**Headword:**  
Missing statement of grounds / ARKEMA FRANCE

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 99(2)

**Keyword:**  
Admissibility of appeal - missing statement of grounds

**Decisions cited:**

G 0002/91

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 2247/18 - 3.3.10

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.10**  
**of 30 April 2019**

**Appellant:** Honeywell International Inc.  
(Patent Proprietor) 115 Tabor Road  
Morris Plains, NJ 07950 (US)

**Representative:** Crooks, Elizabeth Caroline  
Kilburn & Strode LLP  
Lacon London  
84 Theobalds Road  
London WC1X 8NL (GB)

**Appellant:** ARKEMA FRANCE  
(Opponent) Département Propriété Industrielle  
420, rue d'Estienne d'Orves  
92700 Colombes (FR)

**Representative:** Leca, François Michel  
ARKEMA France  
Département Propriété Industrielle  
420, rue d'Estienne d'Orves  
92705 Colombes Cedex (FR)

**Decision under appeal:** **Interlocutory decision of the Opposition**  
**Division of the European Patent Office posted on**  
**10 July 2018 concerning maintenance of the**  
**European Patent No. 1916231 in amended form.**

**Composition of the Board:**

**Chairman** P. Gryczka  
**Members:** M. Kollmannsberger  
F. Blumer

## **Summary of Facts and Submissions**

- I. Both parties appealed the decision of the Opposition Division announced on 17 May 2018, posted on 10 July 2018, to maintain the patent in amended form under Articles 101(3) (a) and 106(2) EPC.
- II. The appellant (patent proprietor) Honeywell International Inc. filed a notice of appeal on 19 September 2018 and paid the appeal fee on the same day. He filed a statement of grounds of appeal on 19 November 2018. He withdrew his appeal on 28 March 2019.
- III. The appellant (opponent) ARKEMA FRANCE filed a notice of appeal on 7 September 2018 and paid the appeal fee on the same day.

By communication of 7 December 2018, receipt of which was confirmed by said 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 his 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 the communication.

No reply was received.

## **Reasons for the Decision**

1. The appellant Honeywell International Inc. has withdrawn his appeal and is thus party as of right,

Article 107 EPC. Following G 02/91 the proceedings cannot continue in case there is no appeal pending.

2. The remaining appeal of appellant ARKEMA FRANCE is inadmissible.

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. Rodríguez Rodríguez

P. Gryczka

Decision electronically authenticated