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**Datasheet for the decision  
of 3 May 2019**

**Case Number:** T 2309/18 - 3.3.06

**Application Number:** 10718999.5

**Publication Number:** 2429695

**IPC:** B01J19/00

**Language of the proceedings:** EN

**Title of invention:**

METHOD OF MANUFACTURING A REACTOR AND SET OF REACTORS

**Applicant:**

Lonza AG

**Headword:**

Reactor / LONZA

**Relevant legal provisions:**

EPC Art. 108

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

**Keyword:**

Admissibility of appeal - notice of appeal - form and content

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
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Case Number: T 2309/18 - 3.3.06

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.06**  
**of 3 May 2019**

**Appellant:** Lonza AG  
(Applicant) Lonzastraße  
3930 Visp (CH)

**Representative:** Greiner, Elisabeth  
df-mp Dörries Frank-Molnia & Pohlman  
Patentanwälte Rechtsanwälte PartG mbB  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 16 March 2018  
refusing European patent application No.  
10718999.5 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** J.-M. Schwaller  
**Members:** J. Hoppe  
L. Li Voti

## **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Examining Division, posted on 16 March 2018, to refuse European patent application No. 10718999.5.
- II. The applicant (hereinafter the "appellant") filed a notice of appeal on 22 May 2018 and paid the appeal fee on the same day.

Further it requested that the decision to refuse the application be set aside and that a patent be granted.

It also requested oral proceedings in the event that the main request could not be granted on the basis of its written submissions.

- III. With letter of 24 September 2018, received by the appellant, the registry of the board informed the appellant that the notice of appeal did not contain its address and thus appeared to contravene the requirements of Rule 99(1)a) in conjunction with Rule 41(2)c) EPC.

The appellant was requested to remedy this deficiency within two months of notification of the communication and was informed that in failing the appeal would be expected to be rejected as inadmissible pursuant to Article 108, first sentence, in conjunction with Rule 101(2) EPC.

- IV. No reply was received.
- V. With letter of 22 January 2019, received by the appellant, the board additionally informed the appellant that no written statement of grounds was

filed. The Board further noted that it understood the appellant's request for oral proceedings not to apply to a rejection of the appeal for being inadmissible under Rule 101 EPC.

VI. No reply was received.

### **Reasons for the Decision**

1.

1.1 Due to the missing address of the appellant in the notice of appeal, the requirements of Article 108 EPC in conjunction with Rules 99(1)a) and 41(2)c) EPC are not fulfilled.

1.2 The appellant did not react to the communication of the Board, and it did not remedy this deficiency in due time.

1.3 Furthermore the appellant did not file any statement of grounds within the time limit of Article 108 EPC.

1.4 Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC respectively Rule 101(2) EPC).

2.

2.1 The board notes that, in the present case, the appeal can be rejected without oral proceedings because the appellant requested oral proceedings only as an auxiliary measure in the event that the main request could not be granted on the basis of its written submissions.

2.2 Since the present rejection of the appeal as being inadmissible is not based on any written submissions

but merely on the grounds of the formal requirements set out in the provisions of the EPC, the request for oral proceedings does not apply.

## Order

### For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



A. Pinna

J.-M. Schwaller

Decision electronically authenticated