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D E C I S I O N
of 22 September 1998

Case Number: T 0686/97 - 3.3.3

Application Number: 90201709.4

Publication Number: 0409300

IPC: C08G 18/32

Language of the proceedings: EN

Title of invention:

Polyurethane polyols and high solids coatings therefrom

Patentee:

Akzo Nobel N.V.

Opponent:

Herberts GmbH

Headword:

-

Relevant legal provisions:

EPC Art. 108, 65(1), 122

Keyword:

"Missing statement of grounds"

"Request for restitutio in integrum - refused"

Decisions cited:

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Catchword:

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Case Number: T 0686/97 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 22 September 1998

Appellant: Akzo Nobel N.V.
(Proprietor of the patent) Velperweg 76
6824 BM Arnhem (NL)

Representative: Schalkwijk, Pieter Cornelis
Akzo Nobel N.V.
Patent Department (Dept. Co.)
P.O. Box 9300
6800 SB Arnhem (NL)

Respondent: Herberts GmbH
(Opponent) Christbusch 25
42285 Wuppertal (DE)

Representative: Türk, Gille, Hrabal, Leifert
Brucknerstrasse 20
40593 Düsseldorf (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 28 April 1997
revoking European patent No. 0 409 300 pursuant
to Article 102(1) EP

Composition of the Board:

Chairman: C. Gérardin
Members: J. Stephens-Ofner
B. ter Laan

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 28 April 1997 revoking the European patent No. 409 300. The appellant filed a notice of appeal by a letter received on 18 June 1997 and paid the fee for appeal on the same day. No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

- II. By a communication dated 11 December 1997 sent by registered post, the Registry of the Board informed the Appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.

- III. By a letter dated 22 December 1997 the appellant filed a request for restitutio in integrum (Article 122 EPC), paid the appropriate fee, and filed the statement of grounds.

- IV. Oral proceedings before the Technical Board of Appeal 3.3.3 were held on 12 May 1998 in which the Board refused the request for restitutio in integrum. The decision was posted on 28 August 1998.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed in due time, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

E. Görgmaier

C. Gérardin