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

**Case Number:** J 0016/18 - 3.1.01

**Application Number:** 16769844.8

**Publication Number:** 3383181

**IPC:** A01N63/00, A01P21/00

**Language of the proceedings:** EN

**Title of invention:**

ENHANCER COMPOSITIONS FOR AGRICULTURAL CHEMICALS AND  
AGRICULTURAL CHEMICAL COMPOSITIONS

**Applicant:**

Ibex Bionomics LLC

**Headword:**

Missing statement of grounds/ Ibex Bionomics LLC

**Relevant legal provisions:**

EPC Art. 108

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

**Keyword:**

Admissibility of appeal - statement of grounds (not filed)

**Decisions cited:**

**Catchword:**



**Juristische Beschwerdekammer**  
**Legal Board of Appeal**  
**Chambre de recours juridique**

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Case Number: J 0016/18 - 3.1.01

**D E C I S I O N**  
**of the Legal Board of Appeal 3.1.01**  
**of 4 March 2019**

**Appellant:** Ibex Bionomics LLC  
(Applicant) 255 University Drive  
2nd Floor  
Coral Gables, FL 33134 (US)

**Representative:** Schüssler, Andrea  
Kanzlei Huber & Schüssler  
Truderinger Strasse 246  
81825 München (DE)

**Decision under appeal:** **Decision of the Receiving Section of the European Patent Office posted on 26 June 2018, rejecting the request for restoration of the right of priority under Rule 49ter.2 PCT for priority claim US 62/137,182.**

**Composition of the Board:**

**Chairman** W. Sekretaruk  
**Members:** A. Jimenez  
G. Decker

### **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Receiving Section of 26 June 2018, posted on 26 June 2018.
- II. The appellant filed a notice of appeal on 4 September 2018 and paid the appeal fee on the same day.
- III. By communication of 21 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**

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. Eickhoff

W. Sekretaruk

Decision electronically authenticated