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D E C I S I O N
of 21 December 2000

Case Number: T 0691/00 - 3.3.2

Application Number: 95928490.2

Publication Number: 0725562

IPC: A01N 25/00

Language of the proceedings: EN

Title of invention:
Ingestable mollusc poisons

Patentee:
W. NEUDORFF GmbH KG

Opponent:
MULTICROP (Aust.) Pty. Ltd.

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0691/00 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 21 December 2000

Appellant: MULTICROP (Aust.) Pty. Ltd.
(Opponent) 926 Mountain Highway
Bayswater
Victoria-3153 (AU)

Representative: Matthews, Derek Peter
Frank B. Dehn & Co.
European Patent Attorneys
179 Queen Victoria Street
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Respondent: W. NEUDORF GmbH KG
(Proprietor of the patent) An der Mühle 3
D-31860 Emmerthal 1 (DE)

Representative: Minderop, Ralph H., Dr.rer.nat
Cohausz & Florack
Patentanwälte
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D-40472 Düsseldorf (DE)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted 18 April 2000
rejecting the opposition filed against European
patent No. 0 725 562 pursuant to Article 102(2)
EPC.**

Composition of the Board:

Chairman: P. A. M. Lançon
Members: U. Oswald
C. Rennie-Smith

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 18 April 2000 rejecting the opposition filed against the European patent application No. 0 725 562. The decision was dispatched by registered letter with advice of delivery on 18 April 2000. The Opponent filed a notice of appeal by fax on 27 June 2000, and paid the fee for appeal on the same date. No Statement of Grounds was filed by the last permissible date, 28 August 2000, or at all. 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 20 September 2000 and 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 communication invited the Appellant to file observations within two months and also drew its attention to Article 122 EPC (re-establishment of rights).
- III. The Appellant has neither filed any observations in response to the said communication nor made a request for re-establishment of rights.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, 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:

A. Townend

P. Lançon