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D E C I S I O N
of 29 May 2001

Case Number: T 0823/00 - 3.3.2

Application Number: 92200938.6

Publication Number: 0508529

IPC: A23G 9/02

Language of the proceedings: EN

Title of invention:
Frozen confection product

Patentee:
UNILEVER N.V., et al

Opponent:
Société des Produits Nestlé S.A., Vevey
RHONE-POULENC CHIMIE
Schöller Lebensmittel GmbH & Co KG

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
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Catchword:
-



Case Number: T 0823/00 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 29 May 2001

Appellant: UNILEVER N.V.
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Respondent: Société des Produits Nestlé S.A., Vevey
(Opponent) Service des Brevets
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 15 June 2000
revoking European patent No. 0 508 529 pursuant
to Article 102(1) 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 announced on 10 May 2000 revoking the opposition filed against the European patent No. 0 508 529. The decision was dispatched by registered letter with advice of delivery on 15 June 2000. The patent proprietor filed a notice of appeal by facsimile dated 15 August 2000, received on 15 August 2000, and paid the fee for appeal on 15 August 2000. 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 12 February 2001 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds has 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. The Appellant has filed no observations in response to said communication.

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. A. M. Lançon