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D E C I S I O N
of 27 January 2003

Case Number: T 0582/02 - 3.3.4

Application Number: 94100442.6

Publication Number: 0608716

IPC: A01H 4/00

Language of the proceedings: EN

Title of invention:
Improvements in somatic embryogenesis

Patentee:
Syngenta Participations AG

Appellant/Opponent:
Monsanto Company

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0582/02 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 27 January 2003

Appellant: Monsanto Company
(Opponent) 800 North Lindbergh Boulevard
St. Louis, Missouri 63167 (US)

Representative: von Menges, Albrecht
Uexküll & Stolberg
Patentanwälte
Beselerstrasse 4
D-22607 Hamburg (DE)

Respondent: Syngenta Participations AG
(Proprietor of the patent) Schwarzwaldallee 215
CH-4058 Basel (CH)

Representative: Zwickl, Markus, Dr.
Syngenta Participations AG
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P.O. Box
CH-4002 Basel (CH)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 3 April 2002
concerning maintenance of European patent
No. 0 608 716 in amended form.

Composition of the Board:

Chairwoman: U. M. Kinkeldey
Members: R. E. Gramaglia
V. Di Cerbo

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 3 April 2002 concerning maintenance of European Patent No. 0 608 716 in amended form.

The appellant (opponent) filed a notice of appeal on 3 June 2002 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 17 September 2002 sent by registered letter with advice of delivery, 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. Attention was also drawn to Article 122 EPC.

- III. No answer has been given to the registry's 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 (Rule 65(1) EPC in conjunction with

Article 108 EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairwoman:

P. Cremona

U. M. Kinkeldey