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**Datasheet for the decision
of 23 August 2006**

Case Number: T 1582/05 - 3.3.04

Application Number: 99931410.7

Publication Number: 1098988

IPC: C12P 7/64

Language of the proceedings: EN

Title of invention:
Foodstuff

Patentee:
DANISCO A/S

Opponent:
Novozymes A/S

Headword:
Foodstuff/DANISCO

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

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1582/05 - 3.3.04

D E C I S I O N
of the Technical Board of Appeal 3.3.04
of 23 August 2006

Appellant I: DANISCO A/S
(Patent Proprietor) Langebrogade 1
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DK-1001 Copenhagen K. (DK)

Representative: Harding, Charles Thomas
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120 Holborn
London EC1N 2DY (GB)

Appellant II: NOVOZYMES A/S
(Opponent) Krogshøjvej 36
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Representative: Miles, John Stephen
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
3 November 2005 concerning maintenance of the
European patent No. 1098988 in amended form.

Composition of the Board:

Chairman: U. Kinkeldey
Members: M. Wieser
G. Weiss

Summary of Facts and Submissions

- I. The appeals contest the interlocutory decision of the Opposition Division of the European Patent Office dated 3 November 2005 concerning maintenance of European Patent No. 1 098 988 in amended form.

The appellant I (patentee) filed a notice of appeal on 21 December 2005 and paid the fee for appeal on the same day.

The appellant II (opponent) filed a notice of appeal on 3 January 2006 and paid the fee for appeal on the same day.

No statements of grounds were filed by appellants I and II. Their notices of appeal contain nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

- II. By communications dated 12 May 2006 sent by registered letter with advice of delivery, the registry of the Board informed the appellants I and II that no statement of grounds had been filed and that the appeals could be expected to be rejected as inadmissible.

The appellants were invited to file observations within two months.

Attention was also drawn to Article 122 EPC.

Reasons for the Decision

As no written statements setting out the grounds of appeal have been filed, the appeals of appellants I and II have to be rejected as inadmissible (Rule 65(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeals of appellants I and II are rejected as inadmissible.

Registrar

Chair

P. Cremona

U. Kinkeldey