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**Datasheet for the decision
of 7 February 2007**

Case Number: T 0243/06 - 3.3.09

Application Number: 95202695.3

Publication Number: 0705539

IPC: A23C 11/04

Language of the proceedings: EN

Title of invention:

A food for pregnant and lactating women

Patentee:

Friesland Brands B.V.

Opponent:

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Headword:

N.V. Nutricia

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"No Statement of Grounds filed"

"Appeal inadmissible"

Decisions cited:

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Catchword:

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Case Number: T 0243/06 - 3.3.09

D E C I S I O N
of the Technical Board of Appeal 3.3.09
of 7 February 2007

Appellant: N.V. Nutricia
(Opponent) Erste Stationsstraat 186
NL-2700 HM Zoetermeer (NL)

Representative: Jorritsma, Ruurd
Nederlandsch Octrooibureau
Postbus 29720
NL-2502 LS Den Haag (NL)

Respondent: Friesland Brands B.V.
(Patent Proprietor) Pieter Stuyvesantweg 1
NL-8937 AC Leeuwarden (NL)

Representative: Smulders, Theodorus A.H.J.
Vereenigde
Postbus 87930
NL-2508 DH Den Haag (NL)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office orally
announced 11 November 2005 and posted
14 December 2005 concerning maintenance of
European patent No. 0705539 in amended form.

Composition of the Board:

Chairman: P. Kitzmantel
Members: W. Ehrenreich
M.-B. Tardo-Dino

Summary of Facts and Submissions

I. This case relates to the interlocutory decision of the Opposition Division dated 14 December 2005 concerning the maintenance of European Patent No. 0 705 539 in amended form.

The Appellant (Opponent) filed a notice of appeal on 14 February 2006 and paid the appeal fee on the same day. No separate statement of grounds was filed.

II. By a communication dated 22 May 2006, 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. Attention was also drawn to Rule 84a EPC, to the decision of the President of the EPO dated 11 December 1998 (OJ 1999, 45) and to Article 122 EPC. The Appellant was invited to file observations within two months.

III. No reply was received within this time-limit.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and the notice of appeal contains nothing that could be regarded as a ground of appeal, the appeal is inadmissible pursuant to 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:

G. Röhn

P. Kitzmantel