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**Datasheet for the decision
of 7 November 2008**

Case Number: T 0055/08 - 3.3.03

Application Number: 02009249.0

Publication Number: 1229049

IPC: C08B 31/12

Language of the proceedings: EN

Title of invention:

Waxy potato starch stabilised via hydroxypropylation

Patentee:

National Starch and Chemical Investment Holding

Opponent:

Südzucker Aktiengesellschaft

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

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Decisions cited:

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Catchword:

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Case Number: T 0055/08 - 3.3.03

DECISION
of the Technical Board of Appeal 3.3.03
of 7 November 2008

Appellant: Südzucker Aktiengesellschaft
(Opponent) Mannheim/Ochsenfurt
Maximilianstrasse 10
D-68165 Mannheim (DE)

Representative: Alge, Daniel
Sonn & Partner Patentanwälte
Riemergasse 14
A-1010 Wien (AT)

Respondent: National Starch and Chemical Investment
(Patent Proprietor) Holding Corporation
1000 Uniqema Boulevard
New Castle
Delaware 19720 (US)

Representative: Held, Stephan
Meissner, Bolte & Partner GbR
Postfach 86 03 29
D-81630 München (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office dated 16 October 2007
and posted 16 November 2007 rejecting the
opposition filed against European patent
No. 1229049 pursuant to Article 102(2) EPC
1973.

Composition of the Board:

Chairman: R. Young
Members: C. Idez
E. Dufrasne

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 16 October 2007 and posted 16 November 2007, rejecting the opposition pursuant to Article 102(2) EPC 1973.

The appellant (opponent) filed a notice of appeal on 9 January 2008 and paid the appeal fee on the same day.

No Statement of Grounds was filed.

II. By a communication dated 6 May 2008 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.

III. No answer to the Registry's communication has been received.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal contains nothing that could be regarded as Statement of Grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

E. Görgmaier

R. Young