

**Internal distribution code:**

- (A)  Publication in OJ  
(B)  To Chairmen and Members  
(C)  To Chairmen  
(D)  No distribution

**Datasheet for the decision  
of 1 August 2008**

**Case Number:** T 0314/08 - 3.3.09

**Application Number:** 01910570.9

**Publication Number:** 1268702

**IPC:** C09J 189/00

**Language of the proceedings:** EN

**Title of invention:**

Vegetable protein adhesive compositions

**Patentee:**

Heartland Resource Technologies LLC

**Opponent:**

Cargill, Inc.

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108

EPC R. 99(2), 101(1)

**Relevant legal provisions (EPC 1973):**

-

**Keyword:**

-

**Decisions cited:**

-

**Catchword:**

-



Case Number: T 0314/08 - 3.3.09

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.09  
of 1 August 2008

**Appellant:**  
(Opponent) Cargill, Inc.  
15407 McGinty Road West  
Wayzata  
Minnesota  
MN 55391-5624 (US)

**Representative:** Wilkinson, Stephen John  
Stevens Hewlett & Perkins  
1 St Augustine's Place  
Bristol BS1 4UD (GB)

**Respondent:**  
(Patent Proprietor) Heartland Resource Technologies LLC  
801 West Charles Street  
Oelwein  
IA 50662 (US)

**Representative:** Gallagher, Kirk James  
D Young & Co  
120 Holborn  
London EC1N 2DY (GB)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
16 November 2007 concerning maintenance of  
European patent No. 1268702 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 16 November 2007 concerning the maintenance of European Patent No. 1 268 702 in amended form.

The Appellant (Opponent) filed a notice of appeal on 28 January 2008 and paid the appeal fee on the same day. In its notice of appeal the Appellant announced that detailed arguments in support of the appeal would be submitted in due course.

However, no separate statement of grounds was filed.

II. By a communication dated 9 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. Attention was also drawn to Rule 101(1) EPC and to Art. 108 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 Appellant having not reacted within the time-limit given in the communication issued by the Board, the appeal is inadmissible pursuant to Art. 108 EPC in conjunction with Rules 99(2) and 101(1) EPC.

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chariman:

G. Röhn

P. Kitzmantel