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**Datasheet for the decision
of 23 January 2009**

Case Number: T 0577/08 - 3.2.07

Application Number: 00310917.0

Publication Number: 1118542

IPC: B65B 61/02

Language of the proceedings: EN

Title of invention:

A method for product packaging

Patentee:

Paragon Labels (Norfolk) Limited

Opponent:

Leading Edge Labels Ltd.

Headword:

-

Relevant legal provisions:

EPC Art. 108, third sentence
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

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Case Number: T 0577/08 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
of 23 January 2009

Appellant: Leading Edge Labels Ltd.
(Opponent) East Mill
Imperial Business Park
Gravesend
Kent DA11 0DQ (GB)

Representative: Fry, David John
Fry, Heath & Spence LLP
The Gables
Massetts Road
Horley
Surrey RH6 7DQ (GB)

Respondent: Paragon Labels (Norfolk) Limited
(Patent Proprietor) 1 Benner Road Industrial Estate
Pinchbeck
Spalding
Lincolnshire PE11 3TZ (GB)

Representative: Foot, Paul Matthew James
Withers & Rogers LLP
Goldings House
2 Hays Lane
London SE1 2HW (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 17 January 2008
rejecting the opposition filed against European
patent No. 1118542 pursuant to Article 101(2)
EPC.

Composition of the Board:

Chairman: H. Meinders
Members: P. O'Reilly
E. Dufrasne

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 17 January 2008 rejecting the opposition filed against European patent No. 1 118 542 pursuant to Article 101(2) EPC.

The proprietor (hereinafter appellant/proprietor) filed a notice of appeal on 17 March 2008 and paid the fee for appeal on the same day.

The opponent (hereinafter appellant/opponent) filed a notice of appeal on 14 March 2008 and paid the fee for appeal on the same day.

II. With letter dated 22 May 2008 the appellant/proprietor filed the grounds for its appeal.

With letter dated 25 June 2008 the appellant/proprietor withdrew its appeal.

III. By a communication dated 17 July 2008 sent by registered letter with advice of delivery, the registry of the Board informed the appellant/opponent that no statement of grounds had been filed and that its appeal could be expected to be rejected as inadmissible. The appellant/opponent was invited to file observations within two months.

IV. No answer has been given to the registry's communication.

Reasons for the Decision

1. The appeal filed by the appellant/proprietor having been withdrawn by its letter dated 25 June 2008, the only appeal to be decided is the appeal filed by the appellant/opponent.
2. The notice of appeal of the appellant/opponent filed on 14 March 2008 contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
3. As no written statement setting out the grounds of appeal has been filed, the appeal of the appellant/opponent has to be rejected as inadmissible (Article 108 EPC, third sentence, in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal of the appellant/opponent is rejected as inadmissible.

The Registrar

The Chairman

G. Nachtigall

H. Meinders