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**Datasheet for the decision  
of 20 October 2008**

**Case Number:** T 0753/08 - 3.3.09

**Application Number:** 00942569.5

**Publication Number:** 1199947

**IPC:** A23K 1/16

**Language of the proceedings:** EN

**Title of invention:**  
Feed for salmonids

**Patentee:**  
Biomar Group

**Opponent:**  
Ewos Innovation AS

**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 0753/08 - 3.3.09

**DECISION**  
of the Technical Board of Appeal 3.3.09  
of 20 October 2008

**Appellant:** Ewos Innovation AS  
(Opponent) Dirdal  
NO-4335 Dirdal  
NO-1122 Gjesdal (NO)

**Representative:** Plougmann & Vingtoft A/S  
Sundkrogsgade 9  
P.O. Box 831  
DK-2100 Copenhagen Ø (DK)

**Respondent:** Biomar Group  
(Patent Proprietor) Mylius Erichsensvej 35  
DK-7330 Brande (DK)

**Representative:** Wallace, Sheila Jane  
Marks & Clerk  
90 Long Acre  
London WC2E 9RA (GB)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
1 February 2008 concerning maintenance of  
European patent No. 1199947 in amended form.

**Composition of the Board:**

**Chairman:** P. Kitzmantel  
**Members:** J. Jardón Álvarez  
M-B. Tardo-Dino

## **Summary of Facts and Submissions**

I. The appeal lies against the interlocutory decision of the Opposition Division dated 1 February 2008 concerning the maintenance of European Patent No. 1 199 947 in amended form.

The Appellant (Opponent) filed a Notice of Appeal on 11 April 2008 and paid the appeal fee on the same day. In the Notice of Appeal the Appellant announced that detailed arguments in support of the appeal would be submitted in due course. Oral proceedings were requested.

However, no separate Statement of Grounds was filed.

II. By a communication dated 15 July 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 Article 108 EPC in conjunction with Rule 101(1) 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 Article 108 EPC in conjunction with Rules 99(2) and 101(1) EPC.

Since the appeal is inadmissible, none of the requests in the Notice of Appeal, including the request for oral proceedings, can be considered.

### **Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

G. Röhn

P. Kitzmantel