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**Datasheet for the decision  
of 05 December 2008**

**Case Number:** T 0890/08 - 3.3.09

**Application Number:** 99202155.0

**Publication Number:** 0970620

**IPC:** A23L 1/40

**Language of the proceedings:** EN

**Title of invention:**  
Soup and sauce concentrates

**Patentee:**  
Unilever N.V., et al

**Opponent:**  
NESTEC S.A.

**Headword:**  
-

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 101(1)

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

**Keyword:**  
"No statement of grounds filed - Rejection of appeal (yes)"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0890/08 - 3.3.09

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.09  
of 05 December 2008

**Appellant:** Unilever N.V.  
(Patent Proprietor) Weena 455  
NL-3013 AL Rotterdam (NL)

**Representative:** Wurfbain, Gilles L.  
Unilever Patent Group  
Olivier van Noortlaan 120  
NL-3133 AT Vlaardingen (NL)

**Respondent:** NESTEC S.A.  
(Opponent) Avenue Nestlé 55  
CH-1800 Vevey (CH)

**Representative:** Thomas, Alain  
55, avenue Nestlé  
CH-1800 Vevey (CH)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
concerning maintenance of European patent  
No. 0970620 in amended form.

**Composition of the Board:**

**Chairman:** P. Kitzmantel  
**Members:** W. Ehrenreich  
W. Sekretaruk

## Summary of Facts and Submissions

I. This case relates to the interlocutory decision of the Opposition Division dated 4 March 2008 concerning the maintenance of European Patent No. 0 970 620 in amended form on the basis of claims 1 to 15 according to auxiliary request 1 submitted in the oral proceedings on 6 February 2008.

The Appellant Unilever N.Y., one of the two Patent Proprietors, filed a notice of appeal on 29 April 2008 and paid the appeal fee on the same day. In its notice of appeal the Appellant announced that a written statement setting out the grounds of appeal would be submitted in due course.

However, no separate statement of grounds was filed.

II. By a communication dated 20 August 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 it was therefore to be expected that the appeal would be rejected as inadmissible. Attention was 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, 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 Chairman:

G. Röhn

P. Kitzmantel