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**Datasheet for the decision
of 10 August 2009**

Case Number: T 0172/09 - 3.3.10

Application Number: 00913709.2

Publication Number: 1161223

IPC: A61K 7/46

Language of the proceedings: EN

Title of invention:

Fragrance and flavor compositions containing odor neutralizing agents

Applicant:

Givaudan Nederland Services B.V.

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 108
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 0172/09 - 3.3.10

D E C I S I O N
of the Technical Board of Appeal 3.3.10
of 10 August 2009

Appellant: Givaudan Nederland Services B.V.
Huizerstraatweg 28
NL-1411 GP Naarden (NL)

Representative: Givaudan Patents
Givaudan Schweiz AG
Ueberlandstrasse 138
CH-8600 Dübendorf (CH)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 16 July 2008
refusing European patent application
No. 00913709.2 pursuant to Article 97(1) EPC
1973.

Composition of the Board:

Chairman: R. Freimuth
Members: J. Mercey
D. Rogers

Summary of Facts and Submissions

I. The appeal lies from the decision of the Examining Division of the European Patent Office refusing European patent application No. 00913709.2. The decision was dispatched by registered letter with advice of delivery to the applicant on 16 July 2008.

The appellant filed a notice of appeal on 3 September 2008 against the decision of the Examining Division. The appeal fee was recorded on the same day.

No separate statement of grounds of appeal was filed.

II. By a communication dated 18 February 2009 sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal 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 reply from the appellant was received within this time-limit.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as statement of grounds of appeal 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:

C. Rodríguez Rodríguez

R. Freimuth