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

**Case Number:** T 0248/09 - 3.3.09

**Application Number:** 97924521.4

**Publication Number:** 0896555

**IPC:** B32B 27/32

**Language of the proceedings:** EN

**Title of invention:**

Multilayer, High Barrier Laminate

**Patentee:**

Tetra Laval Holdings & Finance SA

**Opponent:**

SIG combibloc Systems GmbH

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108

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

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

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**Keyword:**

"Appeal inadmissible - no written statement setting out the grounds of appeal"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0248/09 - 3.3.09

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.09  
of 10 August 2009

**Appellant:** SIG Combibloc Systems GmbH  
(Opponent) Rurstrasse 58  
D-52441 Linnich (DE)

**Representative:** Thielmann, Andreas  
COHAUSZ & FLORACK  
Patent- und Rechtsanwälte  
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**Respondent:** Tetra Laval Holdings & Finance SA  
(Patent Proprietor) Avenue Général-Guisan 70  
CH-1009 Pully (CH)

**Representative:** Hatt, Anna Louise  
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**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 18 November 2008  
rejecting the opposition filed against European  
patent No. 0896555 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** P. Kitzmantel  
**Members:** N. Perakis  
M-B. Tardo-Dino

## **Summary of Facts and Submissions**

I. This case relates to the decision of the Opposition Division announced orally on 8 October 2008 and issued in writing on 18 November 2008 concerning the rejection of the opposition filed against European Patent No. 0 896 555.

The Appellant (Opponent) filed a notice of appeal on 26 January 2009, paid the appeal fee on the same day, and announced the filing of the grounds of appeal in due course.

However, no statement setting out the grounds of appeal was filed within the time-limit set by Article 108 EPC.

II. By a communication dated 8 May 2009, 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 Article 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 has not reacted within the time-limit given in the communication issued by the Registry, the appeal is considered inadmissible pursuant to Article 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