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**Datasheet for the decision
of 29 September 2009**

Case Number: T 0449/09 - 3.3.09

Application Number: 03002561.3

Publication Number: 1334663

IPC: A23C 9/154

Language of the proceedings: EN

Title of invention:

Method for the stabilization of acidified milk beverages

Patentee:

INDOPCO, INC., et al

Opponent:

Friesland Brands B.V.

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:

"No Statement of Grounds filed - appeal rejected as inadmissible"

Decisions cited:

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Catchword:

-



Case Number: T 0449/09 - 3.3.09

DECISION
of the Technical Board of Appeal 3.3.09
of 29 September 2009

(Opponent) Friesland Brands B.V.
Blankenstein 142
NL-7943 PE Meppel (NL)

Representative: van Loon, C.J.J.
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Representative: INDOPCO, INC.
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Representative: Held, Stephan
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office orally
announced 16 September 2008 and posted
16 December 2008 concerning maintenance of
European patent No. 1334663 in amended form.

Composition of the Board:

Chairman: P. Kitzmantel
Members: W. Ehrenreich
M-B. Tardo-Dino

Summary of Facts and Submissions

I. This case relates to the interlocutory decision of the Opposition Division dated 16 December 2008 concerning the maintenance of European Patent No. 1 334 663 in amended form.

The Appellant (Proprietor) filed a notice of appeal on 16 February 2009 and paid the appeal fee on the same day.

No statement of grounds was filed within the time-limit set by Art. 108 EPO.

II. By a communication dated 16 June 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) EPO 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 and the Appellant has not reacted within the time-limit given in the communication issued by the Registry, the appeal is inadmissible pursuant to Art. 108 EPO 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:

A. Counillon

P. Kitzmantel