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**Datasheet for the decision
of 11 January 2010**

Case Number: T 1546/09 - 3.3.01

Application Number: 04818764.5

Publication Number: 1685133

IPC: C07D 491/04

Language of the proceedings: EN

Title of invention:
Manufacture of Vitamin B6

Applicant:
DSM IP Assets B.V.

Headword:
-

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:
-



Case Number: T 1546/09 - 3.3.01

D E C I S I O N
of the Technical Board of Appeal 3.3.01
of 11 January 2010

Appellant: DSM IP Assets B.V.
Het Overloon 1
NL-6411 TE Heerlen (NL)

Representative: Mezger, Wolfgang
DSM Nutritional Products
Patent Department
P.O. Box 2676
CH-4002 Basel (CH)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 3 February 2009
refusing European application No. 04818764.5
pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: P. Ranguis
Members: C. M. Radke
R. Menapace

Summary of Facts and Submissions

I. The appeal contests the decision of the examining division of the European Patent Office dated 3 February 2009 refusing European patent application No. 04 818 764.5.

The appellant filed a notice of appeal on 20 March 2009 and paid the appeal fee the same day.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

II. In a communication dated 4 August 2009, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. The appellant filed no observations in response to said communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

B. Atienza Vivancos

P. Ranguis