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**Datasheet for the decision
of 27 April 2010**

Case Number: T 1556/09 - 3.2.07

Application Number: 04250377.1

Publication Number: 1440909

IPC: B65D 81/00

Language of the proceedings: EN

Title of invention:

Cartridge system for the preparation of beverages and method
of manufacturing said system

Patent Proprietor:

Kraft Foods R&D, Inc.

Opponents:

Friesland Brands B.V.

NESTEC S.A.

Headword:

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Relevant legal provisions:

EPC Art. 108, third sentence

EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1556/09 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
of 27 April 2010

Appellant:
(Opponent 01)

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

Representative:

Zonneveld, Hendrik Jan
De Vries & Metman
Overschiestraat 180
1062 XK Amsterdam (NL)

Respondent:
(Patent proprietor)

Kraft Foods R&D, Inc.
(a Delaware corporation)
Bayerwaldstrasse 8
81737 Munich (DE)

Representative:

Thomson, Neil David
Boult Wade Tennant
Verulam Gardens
70 Gray's Inn Road
London WC1X 8BT (GB)

Other party:
(Opponent 02)

NESTEC S.A.
Avenue Nestlé 55
1800 Vevey (CH)

Representative:

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Decision under appeal:

Interlocutory decision of the Opposition
Division of the European Patent Office posted
8 May 2009 concerning maintenance of European
patent No. 1440909 in amended form.

Composition of the Board:

Chairman: H. Meinders
Members: P. O'Reilly
E. Dufrasne

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office posted 8 May 2009 concerning maintenance of European Patent No. 1 440 909 in amended form.

The appellant (opponent 01) filed a notice of appeal on 17 July 2009 and paid the fee for appeal on the same day.

No statement of grounds was filed.

- II. By a communication dated 3 November 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 its appeal could be expected to be rejected as inadmissible.

The appellant was invited to file observations within two months.

- III. No answer has been given to the registry's communication.

Reasons for the Decision

1. The notice of appeal filed on 17 July 2009 contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

2. As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC, third sentence, 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

G. Nachtigall

H. Meinders