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**Datasheet for the decision
of 22 June 2010**

Case Number: T 1784/09 - 3.3.10

Application Number: 01400198.6

Publication Number: 1120107

IPC: A61K 7/48

Language of the proceedings: EN

Title of invention:

Nutritional supplement based on blackcurrant seed oil

Patentee:

Johnson & Johnson Consumer France

Opponent:

NESTEC S.A. / L'OREAL

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:

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Catchword:

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Case Number: T 1784/09 - 3.3.10

D E C I S I O N
of the Technical Board of Appeal 3.3.10
of 22 June 2010

Appellant: Johnson & Johnson Consumer France
(Patent Proprietor) 1, rue Camille Desmoulins
F-92130 Issy les Moulineaux (FR)

Representative: Texier, Christian
Cabinet Régimbeau
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Respondents: NESTEC S.A.
(Opponents) Avenue Nestlé 55
CH-1800 Vevey (CH)

and

L'OREAL
14 rue Royale
F-75008 Paris (FR)

Representative: Le Coupanec, Pascale A.M.P.
Nony & Associés
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted 7 July 2009
revoking European patent No. 1120107 pursuant
to Article 101(3)(b) EPC.**

Composition of the Board:

Chairman: R. Freimuth
Members: P. Gryczka
F. Blumer

Summary of Facts and Submissions

I. This is an appeal against the revocation of European patent EP 1 120 107 posted 7 July 2009.

A notice of appeal on behalf of the patent proprietor was filed by a letter received on 4 September 2009. The appeal fee was paid on the same day. No separate statement of grounds of appeal was filed.

II. By a communication dated 15 December 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, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months. The appellant did not reply to said communication.

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 a statement of grounds of appeal according 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