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**Datasheet for the decision
of 30 March 2011**

Case Number: T 2199/10 - 3.3.09

Application Number: 06762437.9

Publication Number: 1903887

IPC: A23K 1/16

Language of the proceedings: EN

Title of invention:

Novel stabilized carotenoid compositions

Applicant:

DSM IP Assets B.V.

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 108

EPC R. 99(2), 101(1), 126(2)

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 2199/10 - 3.3.09

D E C I S I O N
of the Technical Board of Appeal 3.3.09
of 30 March 2011

Appellant:
(Applicant)

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

Representative:

Schwander, Kuno
DSM Nutritional Products Ltd.
Wurmisweg 576
CH-4303 Kaiseraugst (CH)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 17 May 2010
refusing European patent application
No. 06762437.9 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: W. Sieber
Members: W. Ehrenreich
R. Menapace

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the examining division of 26 April 2010 posted on 17 May 2010.
- II. The appellant filed a notice of appeal on 20 July 2010 and paid the appeal fee on the same day.
- III. By communication of 12 November 2010 received by the appellant, the registry of the board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore 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 informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal, nor any other document filed, contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

C. Eickhoff

W. Sieber