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**Datasheet for the decision  
of 18 November 2013**

**Case Number:** T 1902/12 - 3.3.09

**Application Number:** 06776214.6

**Publication Number:** 1906768

**IPC:** A23L1/30

**Language of the proceedings:** EN

**Title of invention:**  
NOVEL USE OF ORGANIC COMPOUNDS

**Applicant:**  
DSM IP Assets B.V.

**Headword:**

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 99(2), 101(1), 126(2)

**Keyword:**  
Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



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Case Number: T 1902/12 - 3.3.09

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.09**  
**of 18 November 2013**

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

**Representative:** Kurt, Manfred  
DSM Nutritional Products AG  
Patent Department  
Wurmisweg 576  
4303 Kaiseraugst (CH)

**Decision under appeal:** **Decision of the Examining Division of the European Patent Office posted on 9 March 2012 refusing European patent application No. 06776214.6 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman:** N. Perakis  
**Members:** J. Jardón Álvarez  
R. Menapace

### **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Examining Division of 3 February 2012, posted on 9 March 2012.
- II. The appellant filed a notice of appeal on 16 April 2012 and paid the appeal fee on the same day.
- III. By communication of 29 January 2013, 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:



M. Canueto Carbajo

N. Perakis

Decision electronically authenticated