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**Datasheet for the decision
of 24 September 2014**

Case Number: T 0175/14 - 3.3.09

Application Number: 01982612.2

Publication Number: 1349460

IPC: A23G3/20, A23G1/00, A23G3/00,
A23L3/00

Language of the proceedings: EN

Title of invention:
EXPANDED CONFECTIONERY

Patent Proprietor:
MARS UK LIMITED

Opponent:
Cadbury UK Limited

Headword:

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 100(1), 126(2)

Keyword:
"Appeal inadmissible -
no written statement setting out the grounds of appeal"

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 0175/14 - 3.3.09

**D E C I S I O N
of Technical Board of Appeal 3.3.09
of 24 September 2014**

Appellant: MARS UK LIMITED
(Patent Proprietor) 3D Dundee Road
Slough,
Berkshire SL1 4LG (GB)

Representative: Care, Alison
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20 Red Lion Street
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Respondent: Cadbury UK Limited
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Bournville
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Representative: Ward, David Ian
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted on
6 November 2013 concerning maintenance of the
European Patent No. 1349460 in amended form.

Composition of the Board:

Chairman W. Sieber
Members: N. Perakis
E. Kossonakou

Summary of Facts and Submissions

- I. The appeal is directed against the interlocutory decision of the Opposition Division of 18 October 2013, posted on 6 November 2013, that European patent No. 1 349 460 as amended meets the requirements of the EPC.
- II. The patent proprietor (in the following: the appellant) filed a notice of appeal on 16 January 2014 and paid the appeal fee on the same day.
- III. By communication of 10 April 2014, received by the appellant on 29 April 2014, 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

As appears from the above, no written statement setting out the grounds of appeal has been filed within the time limit provided for 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. Cañueto Carbajo

W. Sieber

Decision electronically authenticated