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**Datasheet for the decision
of 17 September 2015**

Case Number: T 0639/15 - 3.3.07

Application Number: 08022493.4

Publication Number: 2070551

IPC: A61K47/36, A61K47/38, A23L2/52

Language of the proceedings: EN

Title of invention:
Process for producing thickened beverages for dysphagia

Patent Proprietor:
Simply Thick LLC

Opponent:
Nestec S.A.

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

Keyword:
Admissibility of appeal - missing statement of grounds



**Beschwerdekammern
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Chambres de recours**

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Case Number: T 0639/15 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 17 September 2015

Appellant:
(Patent Proprietor)

Simply Thick LLC
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Representative:

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Respondent:
(Opponent)

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Representative:

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Decision under appeal:

**Decision of the Opposition Division of the
European Patent Office posted on 26 January 2015
revoking European patent No. 2070551 pursuant to
Article 101(3) (b) EPC.**

Composition of the Board:

Chairman J. Riolo
Members: D. Semino
I. Beckedorf

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 8 December 2014, posted on 26 January 2015.
- II. The appellant (patent proprietor) filed a notice of appeal on 26 March 2015 and paid the appeal fee on the same day.
- III. By communication of 30 June 2015, 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:



S. Fabiani

J. Riolo

Decision electronically authenticated