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**Datasheet for the decision  
of 4 December 2015**

**Case Number:** T 1650/15 - 3.2.07

**Application Number:** 10830528.5

**Publication Number:** 2499066

**IPC:** B65D90/02

**Language of the proceedings:** EN

**Title of invention:**  
SHAPED METAL VESSEL

**Applicant:**  
The Coca-Cola Company

**Headword:**

**Relevant legal provisions:**  
EPC Art. 108, third sentence  
EPC R. 101(1)

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

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

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Case Number: T 1650/15 - 3.2.07

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.07**  
**of 4 December 2015**

**Appellant:** The Coca-Cola Company  
(Applicant) One Coca-Cola Plaza N.W.  
Atlanta, GA 30313 (US)

**Representative:** Jackson, Robert Patrick  
Dehns  
St Bride's House  
10 Salisbury Square  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 9 March 2015  
refusing European patent application No.  
10830528.5 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** H. Meinders  
**Members:** G. Patton  
I. Beckedorf

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Examining Division of the European Patent Office posted on 9 March 2015 refusing the European Patent application No. 10 830 528.5.

The appellant (applicant) filed a notice of appeal on 18 May 2015 and paid the appeal fee the same day. It subsidiarily requested oral proceedings.

No statement setting out the grounds of appeal was filed.

- II. By a communication dated 26 August 2015 sent by registered letter with advice of delivery, the registry of the Board informed the appellant that no statement of grounds of appeal had been filed so that the appeal could be rejected as inadmissible.

The appellant was invited to file observations within two months and to clarify whether its auxiliary request for oral proceedings was intended to apply to the issue of (in)admissibility of the appeal.

- III. In reaction, the appellant withdrew its auxiliary request for oral proceedings with letter dated 17 September 2015.

## **Reasons for the Decision**

1. The notice of appeal filed on 18 May 2015 contains nothing that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC.

2. As no such written statement has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC, third sentence, 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:



G. Nachtigall

H. Meinders

Decision electronically authenticated