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**Datasheet for the decision
of 7 June 2018**

Case Number: T 0374/18 - 3.3.01

Application Number: 09762712.9

Publication Number: 2293803

IPC: A61K31/702, A61K31/733,
A23L1/30, A61K35/74, A61P37/00

Language of the proceedings: EN

Title of invention:
IMMUNE SYSTEM STIMULATING NUTRITION

Applicant:
N.V. Nutricia

Headword:

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

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



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Chambres de recours

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Case Number: T 0374/18 - 3.3.01

D E C I S I O N
of Technical Board of Appeal 3.3.01
of 7 June 2018

Appellant: N.V. Nutricia
(Applicant) Eerste Stationsstraat 186
2712 HM Zoetermeer (NL)

Representative: Nederlandsch Octrooibureau
P.O. Box 29720
2502 LS The Hague (NL)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 3 August 2017
refusing European patent application No.
09762712.9 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman A. Lindner
Members: G. Seufert
P. de Heij

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division refusing European patent application No. 09762712.9, which was posted on 3 August 2017.
- II. The appellant filed a notice of appeal on 5 October 2017 and paid the appeal fee on the same day.
- III. By communication of 12 February 18, 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. Schalow

A. Lindner

Decision electronically authenticated