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**Datasheet for the decision  
of 18 January 2019**

**Case Number:** T 1697/18 - 3.3.02

**Application Number:** 07003635.5

**Publication Number:** 1961301

**IPC:** A01N25/02, A01N37/18

**Language of the proceedings:** EN

**Title of invention:**

Biocide compositions comprising a dialkylamide of a hydroxycarboxylic acid

**Applicant:**

Cognis IP Management GmbH

**Headword:**

Missing statement of grounds of appeal

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
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Case Number: T 1697/18 - 3.3.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.02**  
**of 18 January 2019**

**Appellant:** Cognis IP Management GmbH  
(Applicant) Henkelstrasse 67  
40589 Dusseldorf (DE)

**Representative:** BASF IP Association  
BASF SE  
G-FLP-C006  
67056 Ludwigshafen (DE)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 11 January 2018  
refusing European patent application No.  
07003635.5 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** M. O. Müller  
**Members:** P. O'Sullivan  
L. Bühler

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

- I. The appeal is directed against the decision of the Examining Division of 11 January 2018 to refuse European Patent application No. 07 003 635.5.
- II. The appellant filed a notice of appeal on 21 March 2018 and paid the appeal fee on the same day.
- III. By communication of 9 July 2018, 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:



N. Maslin

M. O. Müller

Decision electronically authenticated