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**Datasheet for the decision  
of 3 June 2019**

**Case Number:** T 2631/18 - 3.3.04

**Application Number:** 11811432.1

**Publication Number:** 2654409

**IPC:** A01H5/12, A01H1/04

**Language of the proceedings:** EN

**Title of invention:**  
New celery morphology

**Applicant:**  
Rijk Zwaan Zaadteelt en Zaadhandel B.V.

**Headword:**  
Celery/ RIJK ZWAAN

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

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

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
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Case Number: T 2631/18 - 3.3.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.04**  
**of 3 June 2019**

**Appellant:** Rijk Zwaan Zaadteelt en Zaadhandel B.V.  
(Applicant) Burgemeester Crezeelaan 40  
2678 KX De Lier (NL)

**Representative:** van Someren, Petronella F. H. M.  
Arnold & Siedsma  
Bezuidenhoutseweg 57  
2594 AC The Hague (NL)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 29 May 2018  
refusing European patent application No.  
11811432.1 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairwoman** G. Alt  
**Members:** B. Claes  
P. de Heij

## **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the examining division to refuse European patent application No. 11 811 432.1, posted on 29 May 2018.
- II. The appellant filed a notice of appeal on 26 July 2018 and paid the appeal fee on the same day.
- III. By communication of 2 November 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. By a letter dated 12 December 2018, the appellant's representative informed the board that the appellant was no longer interested in the appeal and that no observations would be filed.

## **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 Chair:



S. Lichtenvort

G. Alt

Decision electronically authenticated