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**Datasheet for the decision
of 17 December 2019**

Case Number: T 2105/19 - 3.3.09

Application Number: 01944475.1

Publication Number: 1292194

IPC: A23G1/02, A23L1/30, A23G1/00

Language of the proceedings: EN

Title of invention:
AN IMPROVED METHOD FOR EXTRACTING COCOA PROCYANIDINS

Applicant:
Mars Incorporated

Headword:

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

Keyword:
Inadmissible appeal - Missing statement of grounds

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 2105/19 - 3.3.09

D E C I S I O N
of Technical Board of Appeal 3.3.09
of 17 December 2019

Appellant: Mars Incorporated
(Applicant) 6885 Elm Street
McLean,
Virginia 22101-3883 (US)

Representative: J A Kemp LLP
14 South Square
Gray's Inn
London WC1R 5JJ (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 17 January 2019
refusing European patent application No.
01944475.1 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman W. Sieber
Members: A. Veronese
F. Blumer

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division of 20 December 2018, posted on 17 January 2019, to refuse European patent application No. 01944475.1.
- II. The appellant filed a notice of appeal on 18 March 2019 and paid the appeal fee on the same day.
- III. By communication of 29 July 2019, 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

1. 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 setting out the grounds of appeal 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:



D. Magliano

W. Sieber

Decision electronically authenticated