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**Datasheet for the decision
of 20 December 2023**

Case Number: T 1478/23 - 3.4.03

Application Number: 16871380.8

Publication Number: 3383224

IPC: G07F17/18, G07F13/06,
G06Q50/10, A45D44/02, H04W4/00,
G06K19/07, A45D34/00,
G06Q30/06, B01F9/00, B01F13/10

Language of the proceedings: EN

Title of invention:

SYSTEM FOR DETERMINING, DISPENSING, AND MIXING BLENDED
COMPOSITION FOR SKIN TREATMENT

Applicant:

L'OREAL

Headword:

Relevant legal provisions:

EPC Art. 108

EPC R. 99(2), 101(1)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

T 1042/07

Catchword:



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Case Number: T 1478/23 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 20 December 2023

Appellant: L'OREAL
(Applicant) 14 rue Royale
75008 Paris (FR)

Representative: Cabinet Nony
11 rue Saint-Georges
75009 Paris (FR)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 3 March 2023
refusing European patent application No.
16871380.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman T. Häusser
Members: A. Böhm-Pélissier
T. Karamanli

Summary of Facts and Submissions

- I. The appeal is directed against the refusal of European patent application No. 16871380.8 posted on 3 March 2023.

- II. The appellant filed notice of appeal on 5 May 2023 and paid the appeal fee on the same day. The notice of appeal contained a request for oral proceedings on an auxiliary basis. No statement of grounds of appeal was filed.

- III. By a communication of the board's registrar dated 18 August 2023, the appellant was informed that no statement of grounds of appeal had 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 invited to file observations within two months.

- IV. No reply was received. No request for re-establishment of rights was filed.

Reasons for the Decision

1. As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108, third sentence, EPC and Rule 99(2) EPC, the appeal

has to be rejected as inadmissible (Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC).

2. It is settled case-law that in the absence of anything that can be regarded as a statement of grounds of appeal, the failure of an appellant to reply in substance to a notification of the inadmissibility of the appeal is considered to be equivalent to an abandonment of the request for oral proceedings (see Case Law of the Boards of Appeal of the European Patent Office, 10th edition, 2022, III.C.4.3.3; and e.g. T 1042/07). In the specific circumstances of the case at hand, where the appellant has not provided any statement as to the substantive merits of its appeal, has not given any explanation or comment as to why no statement of grounds of appeal had been filed, and has not reacted to the notification of an impending rejection of the appeal as inadmissible, the board considers the initial auxiliary request for oral proceedings to have become obsolete as a consequence of the subsequent course of action taken. In other words, the lack of any substantive response to the notification of the inadmissibility of the appeal is considered as equivalent to an abandonment of the request for oral proceedings.

3. For the above reasons, the decision can be rendered without holding oral proceedings and the case can be decided in written proceedings (Article 12(8) RPBA 2020).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



S. Sánchez Chiquero

T. Häusser

Decision electronically authenticated