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**D E C I S I O N**  
**of 12 January 2006**

**Case Number:** T 0705/05 - 3.3.09

**Application Number:** 94926409.7

**Publication Number:** 0793423

**IPC:** A23K 1/18

**Language of the proceedings:** EN

**Title of invention:**

Fodder and method for production of fodder containing lipids of low melting temperature, in particular fodder for aquatic organisms

**Patentee:**

NUTRECO AQUACULTURE RESEARCH CENTRE AS

**Opponent:**

Karlshamns AB  
BioMar Group  
Ewos Innovation AS

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 65(1)

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0705/05 - 3.3.09

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.09  
of 12 January 2006

**Appellant:**  
(Opponent 02)

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**Respondent:**  
(Proprietor of the patent)

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(Opponent 01)

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**Decision under appeal:**

**Decision of the Opposition Division of the European Patent Office posted 4 April 2005 rejecting the opposition filed against European patent No. 0793423 pursuant to Article 102(2) EPC.**

**Composition of the Board:**

**Chairman:** P. Kitzmantel  
**Members:** J. Jardón Alvarez  
M.-B. Tardo-Dino

## **Summary of Facts and Submissions**

I. This appeal is against the decision of the Opposition Division orally announced on 2 March 2005 and issued in writing on 4 April 2005 concerning the rejection of the oppositions filed against the European Patent No. 0 793 423.

The Appellant, BioMar Group (former Opponent 02), filed a Notice of Appeal on 25 May 2005 and paid the appeal fee on the same day. In the Notice of Appeal oral proceedings were requested.

No statement setting out the grounds of appeal was filed. In addition the Notice of Appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC, third sentence.

II. By a communication sent by registered letter with advice of Delivery on 20 September 2005, the Registry of the Board informed the Appellant that no Statement of Grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months. The attention of the Appellant was also drawn to Article 122 EPC.

III. No reply was received within this time limit.

## **Reasons for the Decision**

As no written Statement setting out the Grounds of Appeal has been filed within the time limit provided by Article 108 EPC, the appeal is inadmissible according to Rule 65(1) EPC. Since the appeal is inadmissible, none of the requests in the Notice of Appeal, including the request for oral proceedings, can be considered.

## **Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

G. Röhn

P. Kitzmantel