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**Datasheet for the decision
of 6 May 2009**

Case Number: T 2127/08 - 3.3.04

Application Number: 03004879.7

Publication Number: 1346629

IPC: A01H 5/10

Language of the proceedings: EN

Title of invention:

Method of grain production for heterozygous waxy sugary-2
maize

Applicant:

BRUNOB II B.V.

Headword:

Heterozygous waxy sugar-2 maize/BRUNOB II B.V.

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 2127/08 - 3.3.04

D E C I S I O N
of the Technical Board of Appeal 3.3.04
of 6 May 2009

Appellant: BRUNOB II B.V.
(Applicant) Velperweg 76
NL-6824 BM Arnhem (NL)

Representative: Held, Stephan
Meissner, Bolte & Partner GbR
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 9 May 2008
refusing European patent application
No. 03004879.7 pursuant to Article 97(2) EPC.

Composition of the Board:

Chair: U. Kinkeldey
Members: B. Claes
R. Moufang

Summary of facts and submissions

- I. The appeal contests the decision of the examining division of the European Patent Office dated 9 May 2008 concerning refusal of the European patent application No. 03004879.7.
- II. The appellant (applicant) filed a notice of appeal on 15 July 2008 and paid the fee for appeal on the same day.
- III. No statement of grounds was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
- IV. By communication dated 13 November 2008, sent by registered letter with advice of delivery, 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; further, the appellant was requested to make clear if the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal has not been filed.
- V. The appellant, by letter dated 18 November 2008, withdrew the request for oral proceedings.

Reasons for the decision

As no written statement setting out the grounds of appeal had been filed, the appeal has to be rejected as inadmissible (Rule 101(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

Registrar:

Chair:

P. Cremona

U. Kinkeldey