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**Datasheet for the decision
of 13 December 2011**

Case Number: T 0521/11 - 3.3.04

Application Number: 01202796.7

Publication Number: 1180331

IPC: A61K36/81, A61K36/48,
A61K31/352, A61K8/49, A61K8/97,
A23L1/29

Language of the proceedings: EN

Title of invention:
Blends of isoflavones and flavones

Patentees:
Unilever N.V.
Unilever PLC

Opponent:
Henkel AG & Co. KGaA

Headword:
Isoflavones/Unilever

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0521/11 - 3.3.04

D E C I S I O N
of the Technical Board of Appeal 3.3.04
of 13 December 2011

Appellants: Unilever N.V. et al.
(Patent Proprietors) Weena 455
3013 AL Rotterdam (PAYS-BAS)

Representative: Hugot, Alain
Unilever Patent Group
Colworth House
Sharnbrook
Bedford, MK44 1LQ (ROYAUME UNI)

Respondent Henkel AG & Co. KGaA
(Opponent) Henkelstrasse 67
40589 Düsseldorf (ALLEMAGNE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 28 December 2010
revoking European patent No. 1180331 pursuant
to Article 101(3)(b) EPC.

Composition of the Board:

Chairman: C. Rennie-Smith
Members: R. Gramaglia
R. Morawetz

Summary of Facts and Submissions

- I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 28 December 2010 revoking European patent No. 1 180 331.
- II. The appellants (patent proprietors) filed a notice of appeal on 25 February 2011 and paid the fee for appeal on the same day.
- III. No statement of grounds was filed by the appellants. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
- IV. By communication dated 1 July 2011, sent by registered letter with advice of delivery, the Registry of the board informed the appellants that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellants were invited to file observations within two months.
- V. No observations were filed by the appellants within two months.

Reasons for the Decision

As no written statement setting out the grounds of appeal has 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:

Chairman:

P. Cremona

C. Rennie-Smith