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**Datasheet for the decision
of 18 June 2020**

Case Number: T 0111/20 - 3.3.02

Application Number: 14733396.7

Publication Number: 2967030

IPC: A01N25/24, A01N43/40,
A01N47/40, A01N51/00,
A01N25/26, A01N25/30, A01N25/28

Language of the proceedings: EN

Title of invention:
COMPOSITIONS, ADDITIVES, AND METHODS FOR MITIGATING OR
CONTROLLING SEED DUST

Applicant:
Bayer CropScience LP

Headword:
Admissibility/Bayer CropScience LP

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

Keyword:
Admissibility of appeal - missing statement of grounds



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Case Number: T 0111/20 - 3.3.02

D E C I S I O N
of Technical Board of Appeal 3.3.02
of 18 June 2020

Appellant: Bayer CropScience LP
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Research Triangle Park, NC 27709 (US)

Representative: BIP Patents
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 18 July 2019
refusing European patent application No.
14 733 396.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman M. O. Müller
Members: S. Bertrand
M. Blasi

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the examining division refusing European patent application No. 14 733 396.7. The decision was handed over to the postal provider on 18 July 2019 and received by the applicant on 22 July 2019.
- II. The applicant (appellant) filed a notice of appeal on 24 September 2019 and paid the appeal fee on the same day.
- III. By communication of 20 January 2020, receipt of which was confirmed by the appellant on 29 January 2020, the board informed the appellant that it appeared from the file 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 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. Notice of appeal was filed and the appropriate fee for appeal was paid in accordance with Article 108, first and second sentence, EPC within two months of notification of the decision (cf. Rule 126(2) and Rule 131(1), (4) EPC, Article 2(1) item 11 RFees).

2. However, no statement setting out the grounds of appeal was filed within the four-month time limit provided by Article 108, third sentence, EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds of appeal pursuant to Article 108, third sentence, EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible pursuant to Rule 101(1) EPC.

3. No request for oral proceedings has been submitted. Accordingly, the decision can be taken in written proceedings.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



N. Maslin

M. O. Müller

Decision electronically authenticated