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**Datasheet for the decision
of 29 April 2022**

Case Number: T 1660/21 - 3.3.07

Application Number: 12832953.9

Publication Number: 2757902

IPC: A61K9/12, A61K31/568

Language of the proceedings: EN

Title of invention:

INTEROMONE COMPOSITIONS AND THEIR USE TO MODIFY BEHAVIOR IN
DIFFERENT VERTEBRATE SPECIES

Patent Proprietor:

Sergeant's Pet Care Products, Inc.

Opponent:

CEVA SANTE ANIMALE

Headword:

Missing statement of grounds

Relevant legal provisions:

EPC Art. 108

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

Keyword:

Admissibility of appeal - missing statement of grounds



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1660/21 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 29 April 2022

Appellant:

(Opponent)

CEVA SANTE ANIMALE
10, avenue de la Ballastière
33500 Libourne (FR)

Representative:

Cabinet Becker et Associés
25, rue Louis le Grand
75002 Paris (FR)

Respondent:

(Patent Proprietor)

Sergeant's Pet Care Products, Inc.
10077 South 134th Street
Omaha, NE 68138-3710 (US)

Representative:

Altmann Stöbel Dick Patentanwälte PartG mbB
Theodor-Heuss-Anlage 2
68165 Mannheim (DE)

Decision under appeal:

**Decision of the Opposition Division of the
European Patent Office posted on 14 July 2021
rejecting the opposition filed against European
patent No. 2757902 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman

A. Uselli

Members:

M. Steendijk

A. Jimenez

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 26 April 2021, posted on 14 July 2021.
- II. The appellant filed a notice of appeal on 13 September 2021 and paid the appeal fee on the same day.
- III. By communication of 16 December 2021, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not 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.
In the same communication, the Board stated that it assumed, unless contradicted by the appellant in the specified period, that the appellant's request for oral proceedings did not apply to the issue of inadmissibility of the appeal because no grounds of appeal had been filed in due time.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal

nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



B. Atienza Vivancos

A. Uselli

Decision electronically authenticated