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

Case Number: T 0006/22 - 3.3.04

Application Number: 14811285.7

Publication Number: 3016666

IPC: A61K31/202, A61K31/375,
A61K31/593, A61K31/05,
A61K35/60, A61K36/73,
A61K9/107, A23L2/02,
A23L33/105, A23L33/115,
A23L33/12

Language of the proceedings: EN

Title of invention:

A marine oil formulation comprising resveratrol or derivatives thereof for use in treating, delaying and/or preventing Alzheimer's disease

Patent Proprietor:

Smartfish AS

Opponent:

N.V. NUTRICIA

Headword:

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 0006/22 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 29 August 2022

Appellant: Smartfish AS
(Patent Proprietor) Gaustadallèen 21
0349 Oslo (NO)

Representative: Carpmaels & Ransford LLP
One Southampton Row
London WC1B 5HA (GB)

Respondent: N.V. NUTRICIA
(Opponent) Eerste Stationsstraat 186
2712 HM Zoetermeer (NL)

Representative: Nederlandsch Octrooibureau
P.O. Box 29720
2502 LS The Hague (NL)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 12 October 2021
revoking European patent No. 3016666 pursuant to
Article 101(2) and Article 101(3) (b) EPC**

Composition of the Board:

Chairwoman M. Pregetter
Members: D. Luis Alves
M. Blasi

Summary of Facts and Submissions

- I. The appeal is directed against the opposition division's decision to revoke the patent, handed over to the postal service provider on 12 October 2021.
- II. The patent proprietor (appellant) filed a notice of appeal on 22 December 2021 and paid the appeal fee on the same day.
- III. By communication of 11 April 2022, the registry of the board informed the appellant that it appeared from the file that the 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.
- IV. No reply was received.

Reasons for the Decision

No statement of 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 setting out the grounds of appeal pursuant to Article 108 EPC and Rule 99(2) EPC.

Therefore, the appeal has to be rejected as inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairwoman:



I. Aperribay

M. Pregetter

Decision electronically authenticated