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D E C I S I O N
of 22 September 1998

Case Number: T 0353/98 - 3.3.3

Application Number: 89302243.4

Publication Number: 0386351

IPC: C08B 30/12

Language of the proceedings: EN

Title of invention:
Treatment of starch

Patentee:
A.E. STALEY MANUFACTURING COMPANY

Opponent:
Cerestar Holding B.V.

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



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Boards of Appeal

Chambres de recours

Case Number: T 0353/98 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 22 September 1998

Appellant:
(Opponent)

Cerestar Holding B.V.
Nijverheidsstraat 1
4550 AA Sas Van Gent (NL)

Representative:

Wilkinson, Stephen John
Stevens, Hewlett & Perkins
1 St. Augustine's Place
Bristol BS1 4UD (GB)

Respondent:
(Proprietor of the patent)

A.E. STALEY MANUFACTURING
COMPANY
2200 E Eldorado Street
Decatur
Illinois 62521 (US)

Representative:

Cockbain, Julian, Dr.
Frank B. Dehn & Co.,
European Patent Attorneys,
179 Queen Victoria Street
London EC4V 4EL (GB)

Decision under appeal:

Decision of the Opposition Division of the
European Patent Office posted 26 January 1998
rejecting the opposition filed against European
patent No. 0 386 351 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: C. R. J. Gérardin
Members: R. J. Young
J. A. Stephens-Ofner

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 26 January 1998, rejecting the opposition pursuant to Article 102(2) EPC.

The Appellant filed a notice of appeal on 6 April 1998 and paid the fee for appeal on the same day.

No Statement of Grounds was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

- II. By a communication dated 3 July 1998 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.
- III. No answer to the Registry's communication has been received.

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 (Article 108 EPC in conjunction with Rule 65(1) EPC).

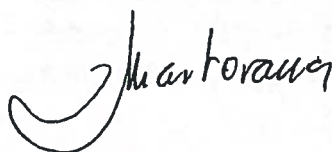
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Order

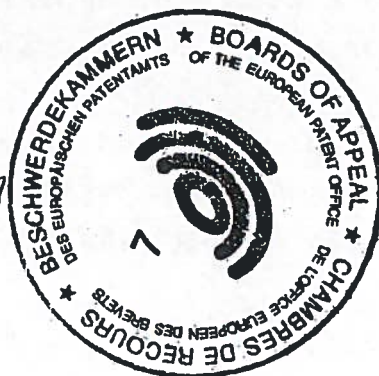
For these reasons, it is decided that:

The appeal is rejected as inadmissible.

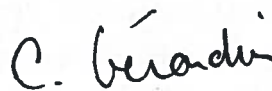
The Registrar:



P. Martorana



The Chairman:



C. Gérardin