

**Internal distribution code:**

- (A) [ ] Publication in OJ  
(B) [ ] To Chairmen and Members  
(C) [X] To Chairmen

**D E C I S I O N**  
of 1 December 1998

**Case Number:** T 0440/98 - 3.3.4

**Application Number:** 92202899.8

**Publication Number:** 0536824

**IPC:** A23D 9/00

**Language of the proceedings:** EN

**Title of invention:**  
Non-temper, confectionery fats

**Patentee:**  
Unilever N.V. et al

**Opponent:**  
N.V. Vandemoortele International

**Headword:**  
-

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

**Keyword:**  
"Missing Statement of Grounds"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0440/98 - 3.3.4

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.4  
of 1 December 1998

**Appellant:** N.V. Vandemoortele International  
(Opponent) P.O. Box 40  
Prins Albertlaan 79  
8870 Izegem (BE)

**Representative:** -

**Respondent:** Unilever N.V.  
(Proprietor of the patent) P.O. Box 760  
3000 DK Rotterdam (NL)

**Representative:** Rots, Maria Johanna Francisca  
Unilever N.V.  
Patent Division  
P.O. Box 137  
3130 AC Vlaardingen (NL)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 10 February  
1998 concerning maintenance of European patent  
No. 0 536 824 in amended form.

**Composition of the Board:**

**Chairwoman:** U. M. Kinkeldey  
**Members:** D. D. Harkness  
W. Moser

## Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office posted on 10 February 1998 concerning maintenance of European patent No. 0 536 824 in amended form.

The Appellant (Opponent) filed a notice of appeal on 16 April 1998 and paid the appeal fee at the same time. 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 10 August 1998, sent by registered letter with advice of delivery, the Registry of the Board informed the Appellant that no Statement of Grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months. Attention was also drawn to Article 122 EPC.
- III. No answer has been given to the Registry's communication.

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

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairwoman:

D. Spigarelli

U. Kinkeldey