Datasheet for the decision of 23 August 2006

Case Number: T 1582/05 - 3.3.04
Application Number: 99931410.7
Publication Number: 1098988
IPC: C12P 7/64
Language of the proceedings: EN
Title of invention: Foodstuff
Patentee: DANISCO A/S
Opponent: Novozymes A/S
Headword: Foodstuff/DANISCO
Relevant legal provisions: EPC Art. 108
EPC R. 65(1)
Keyword: "Missing statement of grounds"
Decisions cited: -
Catchword: -
Case Number: T 1582/05 - 3.3.04

DECISION
of the Technical Board of Appeal 3.3.04
of 23 August 2006

Appellant I:  
(Patent Proprietor)  
DANISCO A/S  
Langebrogade 1  
P.O. Box 17  
DK-1001 Copenhagen K. (DK)

Representative:  
Harding, Charles Thomas  
D Young & Co  
120 Holborn  
London EC1N 2DY (GB)

Appellant II:  
(Opponent)  
NOVOZYMES A/S  
Krogshoejvej 36  
DK-2880 Bagsvaerd (DK)

Representative:  
Miles, John Stephen  
Eric Potter Clarkson LLP  
Park View House  
58 The Ropewalk  
Nottingham NG1 5DD (GB)

Decision under appeal:  

Composition of the Board:

Chairman:  
U. Kinkeldey

Members:  
M. Wieser
G. Weiss
Summary of Facts and Submissions


The appellant I (patentee) filed a notice of appeal on 21 December 2005 and paid the fee for appeal on the same day.

The appellant II (opponent) filed a notice of appeal on 3 January 2006 and paid the fee for appeal on the same day.

No statements of grounds were filed by appellants I and II. Their notices of appeal contain nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

II. By communications dated 12 May 2006 sent by registered letter with advice of delivery, the registry of the Board informed the appellants I and II that no statement of grounds had been filed and that the appeals could be expected to be rejected as inadmissible.

The appellants were invited to file observations within two months. Attention was also drawn to Article 122 EPC.
Reasons for the Decision

As no written statements setting out the grounds of appeal have been filed, the appeals of appellants I and II have to be rejected as inadmissible (Rule 65(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeals of appellants I and II are rejected as inadmissible.

Registrar

Chair

P. Cremona

U. Kinkeldey