Datasheet for the decision of 1 August 2008

Case Number: T 0314/08 - 3.3.09
Application Number: 01910570.9
Publication Number: 1268702
IPC: C09J 189/00
Language of the proceedings: EN
Title of invention: Vegetable protein adhesive compositions
Patentee: Heartland Resource Technologies LLC
Opponent: Cargill, Inc.
Headword: -
Relevant legal provisions: EPC Art. 108 EPC R. 99(2), 101(1)
Relevant legal provisions (EPC 1973): -
Keyword: -
Decisions cited: -
Catchword: -
Case Number: T 0314/08 - 3.3.09

DECISION
of the Technical Board of Appeal 3.3.09
of 1 August 2008

Appellant: Cargill, Inc.
(Opponent)
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Wayzata
Minnesota
MN 55391-5624 (US)

Representative: Wilkinson, Stephen John
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Respondent: Heartland Resource Technologies LLC
(Patent Proprietor)
801 West Charles Street
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IA 50662 (US)

Representative: Gallagher, Kirk James
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120 Holborn
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Composition of the Board:

Chairman: P. Kitzmantel
Members: W. Ehrenreich
M-B. Tardo-Dino
Summary of Facts and Submissions

I. This case relates to the interlocutory decision of the Opposition Division dated 16 November 2007 concerning the maintenance of European Patent No. 1 268 702 in amended form.

The Appellant (Opponent) filed a notice of appeal on 28 January 2008 and paid the appeal fee on the same day. In its notice of appeal the Appellant announced that detailed arguments in support of the appeal would be submitted in due course.

However, no separate statement of grounds was filed.

II. By a communication dated 9 May 2008, 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. Attention was also drawn to Rule 101(1) EPC and to Art. 108 EPC. The Appellant was invited to file observations within two months.

III. No reply was received within this time-limit.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and the Appellant having not reacted within the time-limit given in the communication issued by the Board, the appeal is inadmissible pursuant to Art. 108 EPC in conjunction with Rules 99(2) and 101(1) EPC.

1733.D
Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:  The Chariman:

G. Röhn                     P. Kitzmantel