

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

D E C I S I O N
of 9 January 2006

Case Number: T 0283/05 - 3.3.09

Application Number: 95903300.2

Publication Number: 0731644

IPC: A23C 19/00

Language of the proceedings: EN

Title of invention:
Spreadable low-fat cheese and manufacture thereof

Patentee:
UNILEVER N.V., et al

Opponent:
Arla Foods amba

Headword:
-

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

Keyword:
"Appeals inadmissible"
"No Statements of Grounds filed"

Decisions cited:
-

Catchword:
-



Case Number: T 0283/05 - 3.3.09

D E C I S I O N
of the Technical Board of Appeal 3.3.09
of 9 January 2006

**Appellants and
Respondents:**

(Proprietors of the
patent)

UNILEVER N.V.
Weena 455
NL-3013 AL Rotterdam (NL)

UNILEVER PLC
Unilever House
Blackfriars
London EC4P 4BQ (GB)

Representative:

Rots, Maria Johanna Francisca
Unilever Patent Group
Olivier van Noortlaan 120
NL-3133 AT Vlaardingen (NL)

Appellant and Respondent:
(Opponent)

Arla Foods amba
Skanderborgvej 277
DK-8260 Viby J (DK)

Representative:

Olsen, Lars Pallisgaard
Zacco Denmark A/S
Hans Bekkevolds Allé 7
DK-2900 Hellerup (DK)

Decision under appeal:

Interlocutory decision of the Opposition
Division of the European Patent Office posted
4. January 2005 concerning maintenance of
European patent No. 0731644 in amended form.

Composition of the Board:

Chairman: P. Kitzmantel
Members: W. Ehrenreich
W. Sekretaruk
J. Jardon Alvarez
K. Garnett

Summary of Facts and Submissions

I. This case relates to the interlocutory decision of the Opposition Division dated 4 January 2005 concerning the maintenance of European Patent No. 0 731 644 in amended form.

The Proprietors, Unilever N.V. and Unilever PLC (Appellant I), filed a notice of appeal on 25 February 2005 and paid the appeal fee on the same day.

The Opponent, Arla Foods A/S (Appellant II), filed a notice of appeal on 7 March 2005 and paid the appeal fee on the same day.

Neither of the parties filed a statement of the grounds of appeal within the prescribed period in accordance with Article 108 EPC. Neither of the notices of appeal can be regarded as fulfilling the requirements of this Article.

II. By communications dated 20 June 2005 sent by registered letter with advice of delivery, the Registry of the Board informed both Appellants that no statements 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.

III. No reply from either side was received within this time-limit.

Reasons for the Decision

As no written statements setting out the grounds of appeal have been filed, the appeals 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 are rejected as inadmissible.

The Registrar:

The Chairman

G. Röhn

P. Kitzmantel