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D E C I S I O N
of 13 July 2004

Case Number: T 1101/03 - 3.2.2

Application Number: 95108537.2

Publication Number: 0686381

IPC: A61F 5/443

Language of the proceedings: EN

Title of invention:
Ostomy appliance with extrudable gasket

Patentee:
Dansac A/S

Opponent:
Coloplast A/S

Headword:
-

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

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1101/03 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 13 July 2004

Appellant: Coloplasat A/S
(Opponent) Holtedam 1
DK-3050 Humlebaek (DK)

Representative: Christiansen, Ejvind
Zacco Denmark A/S
Hans Bekkevolds Allé 7
DK-2900 Hellerup (DK)

Respondent: Dansac A/S
(Proprietor of the patent) Lille Kongevej
DK-3480 Fredensborg (DK)

Representative: Nielsen, Henrik Sten
Budde, Schou & Ostenfeld A/S
Vester Søgade 10
DK-1601 Copenhagen V (DK)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
21 August 2003 concerning maintenance of
European patent No. 0686381 in amended form.

Composition of the Board:

Chairman: T. K. H. Kriner
Members: D. Valle
U. J. Tronser

Summary of Facts and Submissions

- I. The appeal is from the interlocutory decision of the Opposition Division dated 21 August 2003 concerning the maintenance in amended form of European patent No. 0 686 381, granted in respect of European patent application No. 95 108 537.2.
- II. The appellant (opponent) filed a notice of appeal on 21 October 2003. The payment of the appeal fee was recorded 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.
- III. By a communication dated 6 February 2004, 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 and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.
- IV. No answer has been given within the given time limit 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 according to Article 108 EPC last sentence in conjunction with Rule 65(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

V. Commare

T. Kriner