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**Datasheet for the decision
of 31 January 2007**

Case Number: T 0634/06 - 3.3.10

Application Number: 97930943.2

Publication Number: 0907384

IPC: A61L 29/00

Language of the proceedings: EN

Title of invention:

Medical device

Patentee:

Astra Tech AB

Opponent:

Coloplast A/S

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0634/06 - 3.3.10

D E C I S I O N
of the Technical Board of Appeal 3.3.10
of 31 January 2007

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

Representative: -

Respondent: Astra Tech AB
(Patent Proprietor) Aminogatan 1
S-431 21 Mölndal (SE)

Representative: Giver, Sören Bo
Awapatent AB
P.O. Box 113 94
S-404 28 Göteborg (SE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
23 February 2006 concerning maintenance of the
European patent No. 0907384 in amended form.

Composition of the Board:

Chairman: R. Freimuth
Members: P. Gryczka
D. Rogers

Summary of Facts and Submissions

- I. In its interlocutory decision issued in writing on 23 February 2006 the Opposition Division decided that the European patent No. 0 907 384 as amended met the requirements of the EPC.

- II. The Patent Proprietor (Appellant) filed a notice of appeal on 20 April 2006 against the decision of the Opposition Division and paid the appeal fee on the same day. No statement of grounds was filed within the prescribed period in accordance with Article 108 EPC.

- III. By a communication dated 11 August 2006 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 it was to be expected that the appeal be rejected as inadmissible. The Appellant was invited to file observations within two months.

- IV. No reply from the Appellant was received within this time-limit.

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 (Article 108 EPC 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:

C. Moser

R. Freimuth