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**Datasheet for the decision
of 16 March 2007**

Case Number: T 0863/06 - 3.2.07

Application Number: 98911302.2

Publication Number: 1023229

IPC: B65D 81/32

Language of the proceedings: EN

Title of invention:

Discharge cap with releasable tablet basket

Patentee:

Coory, Fredrick Michael

Opponent:

BioGala AB

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 0863/06 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
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Appellant: BioGala AB
(Opponent) P.O. Box 3242
S-103 64 Stockholm (SE)

Representative: Fagerlin, Heléne
Albihns Stockholm AB
Box 5581
S-114 85 Stockholm (SE)

Respondent: Coory, Fredrick Michael
(Patent Proprietor) 1 Dymock Place
Christchurch (NZ)

Representative: Rees, Alexander Ellison
Urquhart-Dykes & Lord LLP
30 Welbeck Street
London W1G 8ER (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 10 April 2006
rejecting the opposition filed against European
patent No. 1023229 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: H. Meinders
Members: K. Poalas
C. Holtz

Summary of Facts and Submissions

- I. In its decision dated 10 April 2006 the Opposition Division rejected the opposition against the European patent No. 1 023 229.

- II. The Opponent, BioGala AB, filed a notice of appeal on 8 June 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 22 September 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 the appeal could be expected to 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

H. Meinders