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**Datasheet for the decision
of 27 March 2007**

Case Number: T 1129/06 - 3.2.02

Application Number: 00906180.5

Publication Number: 1164983

IPC: A61F 5/443

Language of the proceedings: EN

Title of invention:
An ostomy applicance

Patentee:
COLOPLAST A/S

Opponent:
Hollister Incorporated

Headword:
-

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

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1129/06 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 27 March 2007

Appellant: Hollister Incorporated
(Opponent) 2000 Hollister Drive
Libertyville
Illinois 60048-3781 (US)

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

Respondent: COLOPLASST A/S
(Patent Proprietor) Holtedam 1
DK-3050 Humlebaek (DK)

Representative: Nilausen, Kim
c/o Coloplast A/S
Holtedam 1
DK-3050 Humlebaek (DK)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
10 May 2006 concerning maintenance of European
patent No. 1164983 in amended form.

Composition of the Board:

Chairman: T. Kriner
Members: R. Ries
E. Dufrasne

Summary of Facts and Submissions

I. The appeal is from the interlocutory decision of the Opposition Division posted on 10 May 2006 concerning the maintenance in amended form of European patent No. 1 164 983, granted in respect of European patent application No. 00 906 180.5.

II. The appellant (opponent) filed a notice of appeal on 20 July 2006 and paid the fee for appeal 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 27 October 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 and attention was drawn to Rule 84a EPC (late receipt of documents) and to Article 122 EPC (re-establishment of rights).

IV. No answer to the registry's communication has been received.

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:

V. Commare

T. Kriner