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**Datasheet for the decision  
of 15 October 2008**

**Case Number:** T 0746/08 - 3.3.10

**Application Number:** 01110568.1

**Publication Number:** 1236462

**IPC:** A61K 7/48

**Language of the proceedings:** EN

**Title of invention:**

Multi-lamella based emulsion for stabilizing dermatologically useful ingredients and external preparation containing the same

**Applicant:**

Neopharm Co, Ltd.

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0746/08 - 3.3.10

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.10  
of 15 October 2008

**Appellant:** Neopharm Co., Ltd.  
307 BVC, Kribb  
52 Oeun-dong  
Yooseong-gu  
Deajeon-shi, 305-333 (KR)

**Representative:** Schaad, Balass, Menzl & Partner AG  
Dufourstrasse 101  
Postfach  
CH-8034 Zürich (CH)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 6 November 2007  
refusing European application No. 01110568.1  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

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

## **Summary of Facts and Submissions**

I. The appeal lies from the decision of the Examining Division of the European Patent Office refusing European patent application No. 01 110 568.1. The decision was dispatched by registered letter with advice of delivery to the applicant on 6 November 2007.

The appellant filed a notice of appeal on 4 January 2008 against the decision of the Examining Division. The payment of the appeal fee was recorded on the same day.

No statement of grounds was filed.

II. By a communication dated 25 April 2008 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.

III. The appellant did not file any observations.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal contains nothing that could be regarded as statement of grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

P. Cremona

R. Freimuth