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**Datasheet for the decision  
of 20 October 2010**

**Case Number:** T 0201/10 - 3.3.04

**Application Number:** 95907193.7

**Publication Number:** 0871474

**IPC:** A61K 38/28

**Language of the proceedings:** EN

**Title of invention:**  
Generation of human insulin

**Patentee:**  
Ferring International Center S.A.

**Opponents:**  
Sanofi-Aventis Deutschland GmbH  
PFIZER LIMITED

**Headword:**  
Human insulin/FERRING INT.

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 101(1)

**Relevant legal provisions (EPC 1973):**  
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**Keyword:**  
"Missing statement of grounds"

**Decisions cited:**  
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**Catchword:**  
-



Case Number: T 0201/10 - 3.3.04

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.04  
of 20 October 2010

**Appellant:** Ferring International Center S.A.  
(Patent Proprietor) Chemin de la Vergognausaz 50  
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**Representative:** HOFFMANN EITLE  
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(Opponent 01) Sanofi-Aventis Deutschland GmbH  
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**Representative:** Dey, Michael  
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(Opponent 02) PFIZER LIMITED  
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**Representative:** Baker, Colin John  
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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
26 November 2009 concerning maintenance of  
European patent No. 0871474 in amended form.

**Composition of the Board:**

**Chairman:** C. Rennie-Smith  
**Members:** G. Alt  
R. Gramaglia

## **Summary of Facts and Submissions**

- I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 26 November 2009 concerning maintenance of European Patent No. 0 871 474 in amended form.
- II. The appellant (patentee) filed a notice of appeal on 26 January 2010 and paid the fee for appeal on the same day.
- III. No statement of grounds was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
- IV. By communication dated 5 July 2010, 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; further, the appellant was requested to make clear if the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal had not been filed.
- V. The appellant, by letter dated 3 September 2010, withdrew the request for oral proceedings and requested the board of appeal to decide in writing.

## **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 (Rule 101(1) EPC in conjunction with Article 108 EPC).

## **Order**

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

The appeal is rejected as inadmissible.

Registrar:

Chairman:

P. Cremona

C. Rennie-Smith