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**Datasheet for the decision
of 22 November 2010**

Case Number: T 0893/10 - 3.3.02

Application Number: 04708393.6

Publication Number: 1589956

IPC: A61K 9/70

Language of the proceedings: EN

Title of invention:
Transdermal Granisetron

Patentee:
Strakan International Limited

Opponents:
Harrison Goddard Foote
BOETERS & LIECK

Headword:
-

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:
-

Catchword:
-



Case Number: T 0893/10 - 3.3.02

DECISION
of the Technical Board of Appeal 3.3.02
of 22 November 2010

Appellant: Harrison Goddard Foote
(Opponent 01) Belgrave Hall
Belgrave Street
Leeds LS2 8DD (GB)

Representative: Taylor, Kate Laura
Harrison Goddard Foote
106 Micklegate
York YO1 6JX (GB)

Appellant: BOETERS & LIECK
(Opponent 02) Oberanger 32
D-80331 München (DE)

Representative: Forstmeyer, Dietmar
BOETERS & LIECK
Oberanger 32
D-80331 München (DE)

Respondent: Strakan International Limited
(Patent Proprietor) The Penthouse, 5th Floor
Washington Mall 1
Church Street
Hamilton HM11 (BM)

Representative: Lord, Hilton David
Marks & Clerk LLP
90 Long Acre
London WC2E 9RA (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 4 March 2010
rejecting the opposition filed against European
patent No. 1589956 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: U. Oswald
Members: A. Lindner
L. Bühler

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division dispatched by registered letter with advice of delivery on 4 March 2010, rejecting the opposition.

The appellant (opponent II) filed a notice of appeal in a letter received on 26 April 2010 and paid the fee for appeal on the same day. No statement of grounds was filed.

II. In a communication dated 18 August 2010, sent by registered post, the registrar of the board informed the appellant that no statement of grounds of appeal had been filed and that it was to be expected that it would be rejected as inadmissible. The appellant was informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

III. No reply was filed to said communication.

Reasons for the Decision

1. Article 108 EPC requires that a statement setting out the grounds of appeal shall be filed within four months of the modification of the decision. Pursuant to Rule 101(1) EPC the appeal shall be rejected as inadmissible if it does not comply with Article 108 EPC.

2. In the present case no document was filed by the appellant which could be regarded as a statement setting out the grounds of appeal. Consequently the appeal has to be rejected as inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

N. Maslin

U. Oswald