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**Datasheet for the decision
of 8 November 2012**

Case Number: T 1175/12 - 3.3.10
Application Number: 03785276.1
Publication Number: 1528938
IPC: A61L 27/26, A61L 27/36
Language of the proceedings: EN

Title of invention:
Synthesis of a bone-polymer composite material

Applicant:
Warsaw Orthopedic, Inc.

Headword:
-

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

Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-



Case Number: T 1175/12 - 3.3.10

DECISION
of the Technical Board of Appeal 3.3.10
of 8 November 2012

Appellant: Warsaw Orthopedic, Inc.
(Applicant) 2500 Silveus Crossing
Warsaw, IN 46581 (US)

Representative: O'Connell, Maura
FRKelly
27 Clyde Road
Ballsbridge
Dublin 4 (IE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 2 December 2011
refusing European patent application
No. 03785276.1 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: P. Gryczka
Members: C. Komenda
F. Blumer

Summary of Facts and Submissions

I. This is an appeal against the refusal of European patent application No. 03785276.1 posted 2 December 2011.

A notice of appeal on behalf of the applicant appellant was filed by a letter received on 13 February 2012. The appeal fee was paid on the same day. No separate statement of grounds of appeal was filed.

II. By a communication dated 29 May 2012 sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months. The appellant did not reply to said communication, and no request for re-establishment of rights was filed.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according 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:

C. Rodríguez Rodríguez

P. Gryczka