

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 20 August 2013**

Case Number: T 1504/12 - 3.2.08

Application Number: 05794702.0

Publication Number: 1796607

IPC: A61F 5/445

Language of the proceedings: EN

Title of invention:
A resealable ostomy appliance

Patent Proprietor:
Coloplast A/S

Opponent:
Hollister Incorporated

Headword:
-

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

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1504/12 - 3.2.08

D E C I S I O N
of the Technical Board of Appeal 3.2.08
of 20 August 2013

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

Representative: Høiberg A/S
St. Kongensgade 59 A
DK-1264 Copenhagen K (DK)

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

Representative: Coloplast A/S
Patent Department,
Holtedam 1
DK-3050 Humlebaek (DK)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted
19 April 2012 concerning maintenance of
European patent No. 1796607 in amended form.**

Composition of the Board:

Chairman: T. Kriner
Members: C. Herberhold
D. T. Keeling

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division posted on 19 April 2012.
- II. The appellant filed a notice of appeal on 29 June 2012 and paid the appeal fee on the same day.
- III. By communication of 20 March 2013, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that no written statement of grounds of appeal had been filed, and that it was therefore 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 informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence EPC, in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

V. Commare

T. Kriner