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**Datasheet for the decision
of 12 March 2019**

Case Number: T 2024/18 - 3.3.07

Application Number: 04703158.8

Publication Number: 1592401

IPC: A61K9/14

Language of the proceedings: EN

Title of invention:

PROCESS FOR MODIFYING DRUG CRYSTAL FORMATION OF MYCOPHENOLATE
SODIUM SALT

Patent Proprietor:

Novartis AG
Novartis Pharma GmbH

Opponents:

Teva Pharmaceutical Industries Ltd.
Accord Healthcare Ltd

Headword:

Missing statement of grounds

Relevant legal provisions:

EPC Art. 108
EPC R. 99(2), 101(1)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
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Case Number: T 2024/18 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 12 March 2019

Appellant: Novartis AG
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4056 Basel (CH)

Appellant: Novartis Pharma GmbH
(Patent Proprietor 2) Brunner Strasse 59
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Representative: Carpmaels & Ransford LLP
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Respondent: Teva Pharmaceutical Industries Ltd.
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Respondent: Accord Healthcare Ltd
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 28 May 2018
revoking European patent No. 1592401 pursuant to
Article 101(3) (b) EPC.**

Composition of the Board:

Chairman J. Riolo
Members: D. Boulois
 C. Schmidt

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 7 May 2018, posted on 28 May 2018.
- II. The appellant filed a notice of appeal on 7 August 2018 and paid the appeal fee on the same day.
- III. By communication of 30 October 2018, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not 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

1. 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.
2. 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:



I. Aperribay

J. Riolo

Decision electronically authenticated