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**Datasheet for the decision
of 8 August 2024**

Case Number: T 1117/23 - 3.3.04

Application Number: 17187458.9

Publication Number: 3305285

IPC: A61K31/00, A61K31/4166,
A61K31/4439, A61P35/00

Language of the proceedings: EN

Title of invention:

ANTI-ANDROGENS FOR THE TREATMENT OF NON-METASTATIC CASTRATE-
RESISTANT PROSTATE CANCER

Patent Proprietor:

Aragon Pharmaceuticals, Inc.

Opponents:

Sandoz AG
Teva Pharmaceutical Industries Ltd
Synthon BV

Relevant legal provisions:

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

Keyword:

Admissibility of appeal - missing statement of grounds



Beschwerdekammern
Boards of Appeal
Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 1117/23 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 8 August 2024

Appellant: Aragon Pharmaceuticals, Inc.
(Patent Proprietor) 10990 Wilshire Blvd. Suite 300
Los Angeles, CA 90024 (US)

Representative: Carpmaels & Ransford LLP
One Southampton Row
London WC1B 5HA (GB)

Respondent 1: Sandoz AG
(Opponent 1) Lichtstrasse 35
4056 Basel (CH)

Representative: Maiwald GmbH
Elisenhof
Elisenstraße 3
80335 München (DE)

Respondent 2: Teva Pharmaceutical Industries Ltd
(Opponent 2) 124 Dvora HaNevi'a St.
6944020 Tel Aviv (IL)

Representative: D Young & Co LLP
120 Holborn
London EC1N 2DY (GB)

Respondent 3: Synthon BV
(Opponent 3) Microweg 22
6503 GN Nijmegen (NL)

Representative: Hamm&Wittkopp Patentanwälte PartmbB
Jungfernstieg 38
20354 Hamburg (DE)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 5 April 2023
revoking European patent No. 3 305 285 pursuant
to Article 101(2) and Article 101(3) (b) EPC**

Composition of the Board:

Chairwoman M. Pregetter
Members: R. Hauss
 M. Blasi

Summary of Facts and Submissions

- I. The appeal is directed against the opposition division's decision revoking European patent No. 3305385, handed over to the postal service provider and transmitted to the parties, respectively, on 5 April 2023.
- II. The patent proprietor (appellant) filed a notice of appeal on 15 June 2023 and paid the appeal fee for an entity other than those referred to in Rule 6(4) and (5) EPC on the same day via debit order from the deposit account.
- III. By communication of 5 September 2023, electronically notified to the appellant via EPO Mailbox, the board informed the appellant that it appeared from the file that the 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 also informed that the board assumed that, since no statement of grounds of appeal had been filed, the request for oral proceedings did not apply in these circumstances, and that the board would not make this assumption if the appellant so stated. Furthermore, the appellant was informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received. No request for re-establishment of rights was received.

Reasons for the Decision

1. Notice of appeal was filed in due time and the appeal fee was duly paid such that an appeal was filed. However, no statement setting out the grounds of appeal was filed within the four-month time limit provided by Article 108, third sentence, EPC, or subsequent to that time limit up until the date of this decision. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC and Rule 99(2) EPC.
2. Therefore, the appeal has to be rejected as inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairwoman:



I. Aperribay

M. Pregetter

Decision electronically authenticated