

Internal distribution code:

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

**Datasheet for the decision
of 17 July 2024**

Case Number: T 0107/24 - 3.3.02

Application Number: 18205103.7

Publication Number: 3473101

IPC: A01N43/80, A01N47/12,
A01N47/18, A01N53/00, A01P7/00,
A61K31/42

Language of the proceedings: EN

Title of invention:
ISOXAZOLINE COMPOSITIONS AND THEIR USE AS ANTIPARASITICS FOR
FELINES

Patent Proprietor:
Intervet International B.V.

Opponents:
CEVA SANTE ANIMALE
VIRBAC

Headword:

Relevant legal provisions:
EPC Art. 108
EPC R. 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
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 0107/24 - 3.3.02

D E C I S I O N
of Technical Board of Appeal 3.3.02
of 17 July 2024

Appellant: Intervet International B.V.
(Patent Proprietor) Wim de Körverstraat 35
5831 AN Boxmeer (NL)

Representative: Intervet International B.V.
Wim de Körverstraat 35
5831 AN Boxmeer (NL)

Respondent: CEVA SANTE ANIMALE
(Opponent 1) 10, avenue de la Ballastière
33500 Libourne (FR)

Representative: Cabinet Becker et Associés
25, rue Louis le Grand
75002 Paris (FR)

Respondent: VIRBAC
(Opponent 2) 1ère Avenue - 2065 M - L.I.D.
06516 Carros (FR)

Representative: Gevers & Orès
Immeuble le Palatin 2
3 Cours du Triangle
CS 80165
92939 Paris La Défense Cedex (FR)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 30 November
2023 revoking European patent No. 3473101
pursuant to Article 101(3)(b) EPC.**

Composition of the Board:

Chair	M. O. Müller
Members:	P. O'Sullivan
	L. Bühler

Summary of Facts and Submissions

- I. The appeal is against the decision of the opposition division dated 30 November 2023 revoking European Patent No. 3 473 101.
- II. The appellant (patentee) filed a notice of appeal on 17 January 2024 and paid the appeal fee on the same day.
- III. No statement of grounds was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
- IV. By communication dated 12 April 2024, receipt of which was confirmed 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.
- V. No reply was received within the time limit set.

Reasons for the Decision

No written statement of 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 Chair:



U. Bultmann

M. O. Müller

Decision electronically authenticated