

Veröffentlichung in Amtsblatt	Ja/Nein
Publication in the Official Journal	Yes/No
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Aktenzeichen / Case Number / N° du recours : T 247/88 - 3.2.2

Anmeldenummer / Filing No / N° de la demande : 82 101 245.7

Veröffentlichungs-Nr. / Publication No / N° de la publication : 00 86 855

Bezeichnung der Erfindung: Regenerated fiber collagen condom and method of  
Title of invention: preparation  
Titre de l'invention :

Klassifikation / Classification / Classement : A 61 F 5/43

### ENTSCHEIDUNG / DECISION

vom / of / du 22 October 1988

Anmelder / Applicant / Demandeur : Collagen Development Corporation

Patentinhaber / Proprietor of the patent /  
Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Stichwort / Headword / Référence :

EPÜ / EPC / CBE Art. 108, Rule 65(1)

Schlagwort / Keyword / Mot clé : "Missing Statement of Grounds"

Leitsatz / Headnote / Sommaire

Europäisches  
Patentamt

Beschwerdekammern

European Patent  
Office

Boards of Appeal

Office européen  
des brevets

Chambres de recours



Case Number : T 247/88 - 3.2.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.2  
of 22 October 1988

**Appellant :** Collagen Development Corporation  
521 Fifth Avenue  
New York  
New York 10017  
USA

**Representative :** Patentanwälte Grünecker, Dr. Kinkeldey,  
Dr. Stockmair, Dr. Schumann,  
Jakob, Dr. Bezold,  
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**Decision under appeal :** Decision of Examining Division 127 of the European  
Patent Office dated 21 December 1987 refusing  
European patent application No. 82 101 245.7  
pursuant to Article 97(1) EPC

**Composition of the Board :**

**Chairman :** K. Stamm  
**Members :** C. Andries  
L. Mancini

### Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 21 December 1987 refusing the European patent application No. 82 101 245.7. The decision was dispatched by registered letter with advice of delivery on 21 December 1987. The applicant filed a notice of appeal by letter received on 29 February 1988, and paid the fee for appeal on the same date. No Statement of Grounds was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.
  
- II. By a communication dated 19 July 1988 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.
  
- III. The Appellant filed no observations in response to said communication.

### Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

S. Fabiani

K. Stamm