

Veröffentlichung im Amtsblatt Publication in the Official Journal Publication au Journal Officiel	Ja/Nein Yes/No Oui/Non
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Aktenzeichen / Case Number / N<sup>o</sup> du recours : T 26/89 - 3.3.1

Anmeldenummer / Filing No / N<sup>o</sup> de la demande : 82 304 626.3

Veröffentlichungs-Nr. / Publication No / N<sup>o</sup> de la publication : 0 074 251

Bezeichnung der Erfindung:  
Title of invention: Novel lipid fraction, its preparation and  
Titre de l'invention : pharmaceutical compositions containing same

Klassifikation / Classification / Classement : A 61 K 37/22

### ENTSCHEIDUNG / DECISION

vom / of / du 9 November 1989

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /  
Titulaire du brevet : Yeda Research and Development Company, Ltd.

Einsprechender / Opponent / Opposant : A. Nattermann & Cie. GmbH

Stichwort / Headword / Référence :

EPÜ / EPC / CBE Article 108, Rule 65(1)

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

Leitsatz / Headnote / Sommaire



Case Number : T 26/89 - 3.3.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.1  
of 9 November 1989

**Appellant :** A. Nattermann & Cie. GmbH  
Nattermannallee 1  
D-5000 Köln 30

**Representative :** Patentanwaltsbüro  
Cohausz & Florack  
Postfach 14 01 47  
D-4000 Düsseldorf 1

**Respondent :** YEDA RESEARCH AND DEVELOPMENT COMPANY LTD.  
(Proprietor of Weizmann Institute of Science  
the patent) P.O. Box 26  
Revohot  
IL

**Representative :** Eyles, Christopher Thomas  
BATCHELLOR, KIRK & EYLES  
2 Pear Tree Court  
Farringdon Road  
London, EC1R ODS  
GB

XL1,5

**Decision under appeal :** Interlocutory decision of the Opposition Division  
of the European Patent Office dated  
11. November 1988 concerning maintenance of  
European Patent No. 0 074 251 in amended form.

**Composition of the Board :**

**Chairman :** K. Jahn  
**Members :** R. Spangenberg  
G. Paterson

## Summary of Facts and Submissions

- I. The appeal contests the Interlocutory decision of the Opposition Division of the European Patent Office dated 11 November 1988 maintaining the European patent No. 0 074 251. The decision was dispatched by registered letter with advice of delivery to the representative of the opponent on the day it was given. The Appellant filed a notice of appeal by a letter received on 9 January 1989 and paid the fee for appeal on the same day. 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 17 July 1989 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. No answer has been given to the Registry's 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:

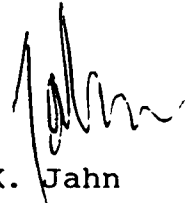
The appeal is rejected as inadmissible.

The Registrar



M. Beer

The Chairman



K. Jahn

6/17/89  
R. J. 9.11.89