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Aktenzeichen / Case Number / N<sup>o</sup> du recours :

T 613/89 - 3.2.2

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

85 201 580.9

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

0 180 264

Bezeichnung der Erfindung:

Release system for two or more active substances

Title of invention:

Titre de l'invention :

Klassifikation / Classification / Classement :

A61M 31/00

**ENTSCHEIDUNG / DECISION**

vom / of / du 2 January 1990

Anmelder / Applicant / Demandeur :

AKZO N.V.

Patentinhaber / Proprietor of the patent /

Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Stichwort / Headword / Référence :

EPÜ / EPC / CBE

Article 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 613/89 - 3.2.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.2  
of 2 January 1989

**Appellant :** AKZO N.V.  
Velperweg 76  
NL-6824 BM Arnhem

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**Representative :** Hermans, Franciscus G.M.  
Patent Department  
AKZO N.V.  
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**Decision under appeal :** Decision of Examining Division 128  
of the European Patent Office  
dated 23 March 1989 refusing European  
patent application No. 85 201 580.9  
pursuant to Article 97(1) EPC

**Composition of the Board :**

**Chairman :** G. Szabo  
**Members :** C. Holtz  
R. Gryc

## Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 23 March 1989 refusing the European patent application No. 85 201 580.9. The decision was dispatched by registered letter with advice of delivery on 23 March 1989. The applicant filed a Notice of Appeal by telex received on 23 May 1989 duly confirmed by letter on 27.05.89 and paid the fee for appeal on 23 May 1989. 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.
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- II. By a communication dated 18 October 1989 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:

  
M. Beer

  
G Szabo

R.G. 30.01.90.

C.H. 31.01.90

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