

Veröffentlichung im Amtsblatt	Ja/Nein
Publication in the Official Journal	Yes/No
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Aktenzeichen / Case Number / N^o du recours : T 704/89 - 3.3.2

Anmeldenummer / Filing No / N^o de la demande : 82 902 190.6

Veröffentlichungs-Nr. / Publication No / N^o de la publication : 0 097 651

Bezeichnung der Erfindung: Orally administrable pharmaceutical compositions

Title of invention:

Titre de l'invention :

Klassifikation / Classification / Classement : A61K 9/32, 9/52

ENTSCHEIDUNG / DECISION

vom / of / du 19 July 1990

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /

Titulaire du brevet :

J.B. Tillott Limited

Einsprechender / Opponent / Opposant :

Fresenius AG

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 704/89 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 19 July 1990

Appellant : Fresenius AG
(Opponent) Gluckensteinweg 5
D-6380 Bad Homburg

Representative : Luderschmidt, Wolfgang, Dr. Dipl.-Chem.
Görtz, Dr. Fuchs, Dr. Luderschmidt
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Respondent : J.B. Tillott Limited
(Proprietor of the patent) 25 Harley Street
London W1N 2BR

Representative : Burford, Anthony Frederick
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Decision under appeal : Decision of the Opposition Division of the European
Patent Office dated 11 July 1989, posted on
30 August 1989 rejecting the opposition filed
against European patent No. 0 097 651 pursuant
to Article 102(2) EPC.

Composition of the Board :

Chairman : P.A. Lançon
Members : U. Kinkeldey
M. Lewenton

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 11 July 1989, posted on 30 August 1989, rejecting the opposition pursuant to Art. 102(2) EPC.

The Appellant filed a notice of appeal on 8 November 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 20 April 1990 sent by registered letter with advice of delivery, 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:

P. Martorana

The Chairman:

P.A. Lançon