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Aktenzeichen / Case Number / N^o du recours : T 171/90 - 3.3.2

Anmeldenummer / Filing No / N^o de la demande : 83 200 829.6

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Bezeichnung der Erfindung: Process for making a lyophilized product for use in
Title of invention: skeletal imaging
Titre de l'invention :

Klassifikation / Classification / Classement : A61K 49/02

ENTSCHEIDUNG / DECISION

vom / of / du 8 May 1990

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Mallinckrodt, Inc.

Einsprechender / Opponent / Opposant :

Compagnie ORIS Industries

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 171/90 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 8 May 1990

Appellant : Mallinckrodt, Inc. (a Delaware Corporation)
(Proprietor of the patent) 675 McDonnell Boulevard
St. Louis, Missouri 63134
US

Representative : Eyles, Christopher Thomas
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High Holborn House
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London WC1V 6RY

Respondent : Compagnie ORIS Industries
(Opponent) 33, rue de la Fédération B.P. 510
F-75752 Paris Cedex

Representative : Mongrédién, André
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Decision under appeal : Decision of the Opposition Division of the European
Patent Office dated 14 December 1989 revoking
European patent No. 0 096 933 pursuant to
Article 102(1) EPC.

Composition of the Board :

Chairman : P. Lançon

Members : A. Nuss

R. Schulte

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 14 December 1989 revoking the European patent No. 0 096 933. The decision was dispatched to the parties involved by registered letter with advice of delivery on the day it was given. The Appellant filed a notice of appeal by telecopy, received on 15 February 1990 and paid the fee for appeal on 19 February 1990. 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 letter dated 19 April 1990 the Appellant informed the Board that the applicant did not wish to pursue the appeal.

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

P. Lançon