

Publication in the Official Journal Yes / No

File Number: T 749/91 - 3.3.2

Application No.: 85 103 816.6

Publication No.: 0 161 445

Title of invention: Water soluble drug complex and method for production of
same.

Classification: A61K 9/50

D E C I S I O N
of 9 July 1992

Proprietor of the patent: Green Cross Corporation

Opponent: A. Nattermann & Cie. GmbH

Headword:

EPC Article 108, Rule 65(1)

Keyword: "Missing Statement of Grounds"



Case Number : T 749/91 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 9 July 1992

Appellant :
(Opponent)

A. Nattermann & Cie. GmbH
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W - 5000 Köln 30 (DE)

Representative :

Sternagel, Hans-Günther, Dr.
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Respondent :
(Proprietor of the patent)

Green Cross Corporation
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Osaka 541 (JP)

Representative :

Hansen, Bernd, Dr.rer.nat.
Hoffmann, Eitle & Partner
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Decision under appeal :

Decision of Opposition Division of the European
Patent Office dated 25 June 1991, posted on
26 July 1991 rejecting the opposition filed
against European patent No. 0 161 445 pursuant to
Article 102(2) EPC.

Composition of the Board :

Chairman : P.A.M. Lançon
Members : U.M. Kinkeldey
M.C. Holtz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 25 June 1991 posted on 26 July 1991, rejecting the opposition pursuant to Article 102(2) EPC.

The Appellant filed a notice of appeal on 24 September 1991 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 9 April 1992 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 received within the given time limit 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.M. Lançon

9.7.92

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