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File Number: T 692/92 - 3.3.2
Application No.: 87 307 907.3
Publication No.: 0 260 859
Title of invention: A medicated skin preparation

Classification: A61L 25/00

DECISION
of 27 November 1992

Applicant: Smith & Nephew United, Inc.

Headword:

EPC Article 108, Rule 65(1)

Keyword: "Missing Statement of Grounds"



Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number : T 692/92 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 27 November 1992

Appellant :

Smith & Nephew United, Inc.
11775 Starkey Road
P.O. Box 1970
Largo
Florida 34649-1970 (US)

Representative :

Cole, William Gwyn, Dr.
Smith & Nephew Plc
Corporate Patents and Trade Marks Dept.
Gilston Park
Harlow
Essex DM20 2RQ (GB)

Decision under appeal :

Decision of the Examining Division of the
European Patent Office dated 25 February 1992
refusing European patent application
No. 87 307 907.3 pursuant to Article 97(1) EPC.

Composition of the Board :

Chairman : P.A.M. Lançon
Members : I.A. Holliday
E.M.C. Holtz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division 001 of the European Patent Office dated 25 February 1992 refusing the European patent application No. 87 307 907.3. The decision was dispatched by registered letter with advice of delivery to the applicant on the day it was given. The Appellant filed a notice of appeal by a letter received on 27 April 1992 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 14 August 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 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:

The Chairman:

P. Martorana

P.A.M. Lançon