

BESCHWERDEKAMMERN  
DES EUROPÄISCHEN  
PATENTAMTS

BOARDS OF APPEAL OF  
THE EUROPEAN PATENT  
OFFICE

CHAMBRES DE RECOURS  
DE L'OFFICE EUROPEEN  
DES BREVETS

A		B		C	X
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File No.: T 0123/93 - 3.3.2  
 Application No.: 84 301 546.2  
 Publication No.: 0 122 036  
 Classification: A61K 37/02  
 Title of invention: Powdery pharmaceutical composition for nasal administration

**D E C I S I O N**  
 of 13 September 1993

Applicant: TEIJIN LIMITED  
 Proprietor of the patent:  
 Opponent: 01) Danbiosyst UK Ltd  
 02) Pharmacia Biosystems AB  
 03) Famitalia Carlo Erba s.r.l.  
 04) Novo-Nordisk A/S

Headword:  
 EPC: Art. 108; R. 65(1)  
 Keyword: "Missing Statement of Grounds"

**Headnote**  
**Catchwords**



Case Number: T 0123/93 - 3.3.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.2  
of 13 September 1993

**Appellant:**  
(Opponent 04)

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**Respondent:**  
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**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office dated 1 December  
1992 concerning maintenance of European patent  
No. 0 122 036 in amended form.

**Composition of the Board:**

**Chairman:** P.A.M. Lançon  
**Members:** L. Galligani  
S.C. Perryman

**Summary of Facts and Submissions**

I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 1 December 1992, concerning maintenance of European patent No. 0 122 036 in amended form.

The Appellant (Opponent IV) filed a notice of appeal on 25 January 1993 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 27 May 1993, sent by registered letter with advice of delivery, the Registry of the Board informed the Appellant that no Statement of Grounds has 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 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

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