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D E C I S I O N
of 22 December 1995

Case Number: T 0570/95 - 3.3.2

Application Number: 88300831.0

Publication Number: 0285237

IPC: A61K 31/08

Language of the proceedings: EN

Title of invention:

2-(Difluoromethoxy)-1,1,1,2-tetrafluoroethane as an anaesthetic

Patentee:

Ohmeda Pharmaceutical Products Division Inc.

Opponent:

RHONE-POULENC CHIMIE

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:



Case Number: T 0570/95 - 3.3.2

DECISION
of the Technical Board of Appeal 3.3.2
of 22 December 1995

Appellant:
(Opponent)

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Representative:

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Respondent:
(Proprietor of the patent)

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Representative:

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Decision under appeal:

**Decision of the Opposition Division of the
European Patent Office posted 16 May 1995
rejecting the opposition filed against European
patent No. 0 285 237 pursuant to Article 102(2)
EPC.**

Composition of the Board:

Chairman: P. A. M. Lançon
Members: C. Germinario
J. Van Moer

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 16 January 1995, posted on 16 May 1995, rejecting the opposition pursuant to Article 102(2) EPC.

The Appellant (Opponent) filed a notice of appeal on 13 July 1995 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 6 October 1995 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