

BESCHWERDEKAMMERN
DES EUROPÄISCHEN
PATENTAMTS

BOARDS OF APPEAL OF
THE EUROPEAN PATENT
OFFICE

CHAMBRES DE RECOURS
DE L'OFFICE EUROPEEN
DES BREVETS

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen

D E C I S I O N
of 13 December 1996

Case Number: T 0628/96 - 3.3.2

Application Number: 87307266.4

Publication Number: 0271180

IPC: A61K 47/00

Language of the proceedings: EN

Title of invention:
Starburst conjugates

Patentee:
THE DOW CHEMICAL COMPANY

Opponent:
DSM N.V. Patent Department

Headword:
-

Relevant legal provisions:
EPC Art. 108, Rule 65(1)

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number: T 0628/96 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 13 December 1996

Appellant:
(Opponent)

DSM N.V.
Patent Department
P.O. Box 605
NL - 6160 AP Geleen (NL)

Representative:

den Hartog, Jeroen H. J.
Octrooibureau DSM
P.O. Box 605
NL - 6160 AP Geleen (NL)

Respondent:
(Proprietor of the patent)

THE DOW CHEMICAL COMPANY
2030 Dow Center
Abbott Road
P.O. Box 1967
US - Midland, Michigan 48640-1967 (US)

Representative:

Burford, Anthony Frederick
W.H. Beck, Greener & Co.
7 Stone, Buildings
Lincoln's Inn
GB - London WC2A 3SZ (GB)

Decision under appeal:

Interlocutory decision of the Opposition Division
of the European Patent Office posted 30 April
1996 concerning maintenance of European patent
No. 0 271 180 in amended form.

Composition of the Board:

Chairman: P. A. M. Lançon
Members: U. Oswald
J. H. Van Moer

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of European Patent Office dated 30 April 1996, concerning maintenance of European patent No. 0 271 180 in amended form.

The appellant (opponent) filed a notice of appeal on 9 July 1996 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 20 September 1996, 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. In a telefax dated 13 December 1996 the appellant stated "...I herewith inform you that we will not file observations on the above communication nor ask for further processing under Article 121 EPC or *Restitutio in integrum* under Article 122 EPC."

Reasons for the Decision

As no written statement setting out the ground 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. Martorama

The Chairman:



P. A. M. Lançon

