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D E C I S I O N
of 21 April 1997

Case Number: T 0772/96 - 3.4.2

Application Number: 89201638.7

Publication Number: 0348006

IPC: B01L 3/00, G01N 33/52

Language of the proceedings: EN

Title of invention:
Liquid transport device and diagnostic assay device

Patentee:
BEHRING DIAGNOSTICS INC.

Opponent:
Boehringer Mannheim GmbH Patentabteilung

Headword:

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

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0772/96 - 3.4.2

D E C I S I O N
of the Technical Board of Appeal 3.4.2
of 21 April 1997

Respondent: Boehringer Mannheim GmbH
(Opponent) Patentabteilung
Sandhofer Strasse 116
D-68298 Mannheim (DE)

Representative: -

Appellant: BEHRING DIAGNOSTICS INC.
(Proprietor of the patent) 151 University Avenue
Westwood, MA 02090-2399 (US)

Representative: Smulders, Theodorus A.H.J., Ir.
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 10 June 1996
concerning maintenance of European patent
No. 0 348 006 in amended form.

Composition of the Board:

Chairman: E. Turrini
Members: R. Zottmann
B. J. Schachenmann

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 23 May 1996, posted on 10 June 1996, concerning maintenance of European patent No. 0 348 006 in amended form.

The Appellant (Patent Proprietor) filed a notice of appeal on 20 August 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 30 January 1997, 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 communication referred to above.

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

E. Turrini