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D E C I S I O N
of 24 August 1998

Case Number: T 0248/98 - 3.3.2

Application Number: 87901176.5

Publication Number: 0295248

IPC: B01J 13/02

Language of the proceedings: EN

Title of invention:

Liposome preparation and antibiotic

Patentee:

The Liposome Company, Inc.

Opponent:

NeXstar Pharmaceuticals Inc.

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0248/98 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 24 August 1998

Respondent: NeXstar Pharmaceuticals Inc.
(Opponent) 2860 Wilderness Place
Boulder, Colorado 80301 (US)

Representative: Brown, David Leslie
Page Hargrave
Temple Gate House
Temple Gate
Bristol BS1 6PL (GB)

Appellant: The Liposome Company, Inc.
(Proprietor of the patent) One Research Way
Princeton Forrestal Center
Princeton NJ 08540 (US)

Representative: Warcoin, Hacques
Caninet Rögimbeau
26, avenue Kléber
75116 Paris (FR)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 15 January
1998 concerning maintenance of European patent
No. 0 295 248 in amended form.

Composition of the Board:

Chairman: P. A. M. Lançon
Members: G. F. E. Rampold
J. A. Stephens-Ofner
C. Germinario
M. B. Günzel

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 15 January 1998 concerning maintenance of the European Patent No. 295 248 in amended form.

The Appellant (Patentee) filed a Notice of Appeal on 16 March 1998 and paid the fee for appeal on the same date.

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 2 June 1998 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 to the Registry's communication has been received.

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:

E. Görgmaier P. Lançon