Datasheet for the decision of 29 March 2007

Case Number: T 1237/06 - 3.3.02
Application Number: 97122211.2
Publication Number: 0848955
IPC: A61K 31/665
Language of the proceedings: EN
Title of invention:
Anti-stress agent for animals comprising an ascorbic acid derivative
Patentee:
SHOWA DENKO KABUSHIKI KAISHA
Opponent:
BASF Aktiengesellschaft
Headword: -
Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)
Keyword:
"Missing Statement of Grounds"
Decisions cited: -
Catchword: -
Case Number: T 1237/06 - 3.3.02

DECISION
of the Technical Board of Appeal 3.3.02
of 29 March 2007

Appellant: SHOWA DENKO KABUSHIKI KAISHA
(Patent Proprietor) 13-9, Shiba Daimon 1-chome
Minato-ku
Tokyo (JP)

Representative: Strehl Schübel-Hopf & Partner
Maximilianstrasse 54
D-80538 München (DE)

Respondent: BASF Aktiengesellschaft
(Opponent) D-67056 Ludwigshafen (DE)

Representative: -

Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 1 June 2006 revoking European patent No. 0848955 pursuant to Article 102(1) EPC.

Composition of the Board:
Chairman: U. Oswald
Members: H. Kellner
J. Willems
Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 1 June 2006 revoking the European patent No. 0 848 955. The decision was dispatched by registered letter with advice of delivery on 29 May 2006. The Patent proprietor filed a notice of appeal by letter on 9 August 2006, and paid the fee for appeal on the same date. No Statement of Grounds was filed by the last permissible date, 12 October 2006, or at all. 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 17 November 2006 and sent by registered post, 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 communication invited the Appellant to file observations within two months and also drew its attention to Article 122 EPC (re-establishment of rights).

III. The Appellant has neither filed any observations in response to the said communication nor made a request for re-establishment of rights.

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:

A. Townend U. Oswald