Datasheet for the decision of 16 February 2009

Case Number: T 2079/08 - 3.3.02
Application Number: 00957674.5
Publication Number: 1210067
IPC: A61K 9/16

Language of the proceedings: EN

Title of invention:
Modulation of release from dry powder formulations

Applicant:
Advanced Inhalation Research, Inc.

Opponent:
-

Headword:
Release from dry powder formulations/ADVANCED INHALATION RESEARCH

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):
EPC R. 65(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-
Case Number: T 2079/08 - 3.3.02

DECISION
of the Technical Board of Appeal 3.3.02
of 16 February 2009

Appellant: Advanced Inhalation Research, Inc.
840 Memorial Drive
Cambridge MA 02139  (US)

Representative: Chapman, Paul William
Kilburn & Strode
20 Red Lion Street
London WC1R 4PJ  (GB)

Decision under appeal: Decision of the Examining Division of the European Patent Office posted 1 April 2008 refusing European application No. 00957674.5 pursuant to Article 97(1) EPC.

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

I. The appeal contests the decision of the Examining Division of the European Patent Office dispatched by registered letter with advice of delivery on 1 April 2008, refusing European application No. 00957674.5. The Appellant (Applicant) filed a Notice of Appeal by a letter received on 7 May 2008 and paid the fee for appeal on 6 May 2008. 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 November 2008, sent by registered post, the Registrar 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 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 101(1) EPC (formerly Rule 65(1) EPC 1973)).
Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:     The Chairman:

N. Maslin      U. Oswald