Datasheet for the decision of 20 October 2010

Case Number: T 0201/10 - 3.3.04
Application Number: 95907193.7
Publication Number: 0871474
IPC: A61K 38/28

Language of the proceedings: EN

Title of invention: Generation of human insulin

Patentee:
Ferring International Center S.A.

Opponents:
Sanofi-Aventis Deutschland GmbH
PFIZER LIMITED

Headword:
Human insulin/FERRING INT.

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

Relevant legal provisions (EPC 1973):
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Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-
Case Number: T 0201/10 - 3.3.04

DECISION
of the Technical Board of Appeal 3.3.04
of 20 October 2010

Appellant: Ferring International Center S.A.  
(Patent Proprietor)  
Chemin de la Vergognausaz 50  
CH-1162 Saint-Prex  (CH)

Representative:  
HOFFMANN EITLE  
Patent- und Rechtsanwälte  
Arabellastraße 4  
D-81925 München  (DE)

(Opponent 01)  
Sanofi-Aventis Deutschland GmbH  
Industriepark Höchst  
D-65926 Frankfurt am Main  (DE)

Representative:  
Dey, Michael  
Weickmann & Weickmann Patentanwälte  
Richard-Strauss-Strasse 80  
D-81679 München  (DE)

(Opponent 02)  
PFIZER LIMITED  
Ramsgate Road  
SANDWICH, KENT CT13 9NJ  (GB)

Representative:  
Baker, Colin John  
Potter Clarkson LLP  
Park View House  
58 The Ropewalk  
Nottingham NG1 5DD  (GB)

Decision under appeal:  

Composition of the Board:

Chairman: C. Rennie-Smith  
Members: G. Alt  
R. Gramaglia
Summary of Facts and Submissions

I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 26 November 2009 concerning maintenance of European Patent No. 0 871 474 in amended form.

II. The appellant (patentee) filed a notice of appeal on 26 January 2010 and paid the fee for appeal on the same day.

III. No statement of grounds was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

IV. By communication dated 5 July 2010, 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; further, the appellant was requested to make clear if the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal had not been filed.

V. The appellant, by letter dated 3 September 2010, withdrew the request for oral proceedings and requested the board of appeal to decide in writing.
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 (Rule 101(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

Registrar:                Chairman:

P. Cremona                C. Rennie-Smith