Datasheet for the decision of 10 January 2012

Case Number: T 0782/11 - 3.3.04
Application Number: 00949768.6
Publication Number: 1200121

Language of the proceedings: EN

Title of invention: FISH VACCINE

Patentees: Novartis AG
           Novartis Pharma GmbH

Opponent: Intervet International BV

Headword: Fish vaccine/NOVARTIS

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

Keyword: "Missing statement of grounds"

Decisions cited: -

Catchword: -
Case Number: T 0782/11 - 3.3.04

DECISION
of the Technical Board of Appeal 3.3.04
of 10 January 2012

Appellant: Intervet International BV
(Opponent 01)
Wim de Korverstraat 35
5831 AN Boxmeer (PAYS-BAS)

Representative: Keus, Jacobus Albertus Ronald
Intervet International B.V.
Patent Department
Wim de Korverstraat 35
5831 AN Boxmeer (PAYS-BAS)

Respondents
(Patent Proprietors) Novartis AG
Lichtstrasse 35
4056 Basel (SUISSE)
and
Novartis Pharma GmbH
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1230 Wien (AUTRICHE)

Representative: Stolzenburg, Friederike
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
31 January 2011 concerning maintenance of
European patent No. 1200121 in amended form.

Composition of the Board:
Chairman: C. Rennie-Smith
Members: G. Alt
B. Claes
Summary of Facts and Submissions

I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 31 January 2011 concerning maintenance of European Patent No. 1 200 121 in amended form.

II. The appellant (opponent O1) filed a notice of appeal on 29 March 2011 and paid the fee for appeal on 30 March 2011.

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 19 July 2011, 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.

V. No observations were filed by the appellant within two months.
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.

The Registrar: The Chairman:

C. Eickhoff C. Rennie-Smith