Datasheet for the decision of 3 March 2014

Case Number: T 1540/13 - 3.3.10
Application Number: 07254341.6
Publication Number: 1917983
IPC: A61L17/12, A61L17/14
Language of the proceedings: EN
Title of invention:
Long term bioabsorbable barbed sutures

Patent Proprietor:
Covidien LP
Opponent:
Angiotech Pharmaceuticals, Inc.

Headword:

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

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:
Case Number: T 1540/13 - 3.3.10

DECISION
of Technical Board of Appeal 3.3.10
of 3 March 2014

Appellant: Covidien LP
(Patent Proprietor)
15 Hampshire Street
Mansfield, MA 02048 (US)

Representative: Soames, Candida Jane
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20 Carlton Crescent
Southampton, SO15 2ET (GB)

Respondent: Angiotech Pharmaceuticals, Inc.
(Opponent)
1618 Station Street
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Representative: Bond, Christopher William
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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted on 25 April 2013 revoking European patent No. 1917983 pursuant to Article 101(3)(b) EPC.

Composition of the Board:

Chairman: P. Gryczka
Members: J. Mercey
F. Blumer
Summary of Facts and Submissions

I. The appeal is directed against the decision of the Opposition Division posted on 25 April 2013 revoking European patent No. 1 917 983.

II. The appellant (patent proprietor) filed a notice of appeal on 5 July 2013 and paid the appeal fee on the same day.

III. By communication of 26 September 2013, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.

IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).
Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar: The Chairman:

C. Rodriguez Rodríguez P. Gryczka

Decision electronically authenticated