

Internal distribution code:

- (A) [] Publication in OJ
(B) [] To Chairmen and Members
(C) [] To Chairmen
(D) [X] No distribution

D E C I S I O N
of 3 June 2002

Case Number: T 0377/00 - 3.3.1

Application Number: 95201085.8

Publication Number: 0672670

IPC: C07D 503/18

Language of the proceedings: EN

Title of invention:

Process for the preparation of clavulanic acid

Patentee:

SMITHKLINE BEECHAM PLC

Opponent:

Ratiopharm GmbH

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0377/00 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 3 June 2002

Appellant: SMITHKLINE BEECHAM PLC
(Proprietor of the patent) New Horizons Court
Brentford
Middlesex TW8 9EP (GB)

Representative: Thompson, Clive Beresford
GlaxoSmithKline
Corporate Intellectual Property (CN9.25.1)
980 Great West Road
Brentford, Middlesex TW8 9GS (GB)

Respondent: Ratiopharm GmbH
(Opponent) D-89070 Ulm (DE)

Representative: Lederer, Franz, Dr.
Lederer & Keller
Patentanwälte
Prinzregentenstrasse 16
D-80538 München (DE)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 24 January
2000 concerning maintenance of European patent
No. 0 672 670 in amended form.

Composition of the Board:

Chairman: A. J. Nuss
Members: P. F. Ranguis
S. C. Perryman

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 24 January 2000 maintaining the European patent No. 0 672 670 in amended form. The decision was dispatched by registered letter with advice of delivery on 24 January 2000. The proprietor filed a notice of appeal by letter dated 31 March 2000, received on 31 March 2000, and paid the fee for appeal on 31 March 2000. 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 26 February 2002 and sent by registered letter, the Registry 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 informed about the possibility of filing a request for reestablishment of rights under Article 122 EPC and was invited to file observations within two months.
- III. The Appellant filed no observations in response 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 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

N. Maslin

A. Nuss