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D E C I S I O N
of 16 November 2000

Case Number: T 0421/00 - 3.3.2

Application Number: 90307878.0

Publication Number: 0414373

IPC: A61K 31/725

Language of the proceedings: EN

Title of invention:

Stable solution of hyaluronate in a balanced salt medium

Patentee:

Allergan Pharmaceuticals (Ireland) Limited

Opponent:

FIDIA, S.p.A.

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Catchword:

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Case Number: T 0421/00 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 16 November 2000

Appellant: FIDIA, S.p.A.
(Opponent) Via Ponte della Fabbrica 3-A
I-35031 ABANO TERME (Padova) (IT)

Representative: VOSSIUS & PARTNER
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Respondent: Allergan Pharmaceuticals (Ireland) Limited
(Proprietor of the patent) c/o Allergan Inc.
2525 Dupont Drive
Irvine, CA 82715 (US)

Representative: Hutchins, Michael Richard
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The Old College
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted
11 February 2000 concerning maintenance of
European patent No. 0 414 373 in amended form.

Composition of the Board:

Chairman: P. A. M. Lançon
Members: J. Riolo
C. Rennie-Smith

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 11 February 2000 concerning the maintenance of the European patent application No. 0 414 373 in amended form. The decision was dispatched by registered letter with advice of delivery on 11 February 2000. The opponent filed a notice of appeal by letter dated 25 April 2000, received on 25 April 2000, and paid the fee for appeal on 25 April 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 1 August 2000 and sent by registered post, 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 invited to file observations within two months.
- III. The Appellant filed no observations in response to said 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:

A. Townend

P. Lançon