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D E C I S I O N
of 9 February 2001

Case Number: T 0662/00 - 3.3.2

Application Number: 93922260.0

Publication Number: 0664696

IPC: A61K 9/00

Language of the proceedings: EN

Title of invention:

Sustained release compositions for treating periodontal disease

Patentee:

THE PROCTER & GAMBLE COMPANY

Opponent:

Atrix Laboratories Inc.

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0662/00 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 9 February 2001

Appellant: Atrix Laboratories Inc.
(Opponent) 1625 Sharp Point Drive
Fort Collins, Colorado (US)

Representative: Leifert, Elmar, Dr.
Böhm Rauch Krämer Leifert
Burgplatz 21-22
D-40213 Düsseldorf (DE)

Respondent: The Procter & Gamble Company
(Proprietor of the patent) One Procter & Gamble Plaza
Cincinnati
Ohio 45202 (US)

Representative: Samuels, Lucy Alice
Gill Jennings & Every
Broadgate House
7 Eldon Street
London EC2M 7LH (GB)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 3 May 2000
concerning maintenance of European patent
No. 0 664 696 in amended form.

Composition of the Board:

Chairman: P. A. M. Lançon
Members: U. Oswald
C. Rennie-Smith

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dispatched by registered letter with advice of delivery on 3 May 2000 concerning the maintenance of European patent application No. 0 664 696 in amended form. The opponent filed a notice of appeal by letter dated 30 June 2000, received on 3 July 2000, and paid the fee for appeal on 3 July 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 6 November 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