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D E C I S I O N
of 22 March 2002

Case Number: T 0692/01 - 3.3.2

Application Number: 92810395.1

Publication Number: 0516590

IPC: A01N 49/00

Language of the proceedings: EN

Title of invention:
Flea control method

Patentee:
Novartis AG, et al

Opponent:
Bayer AG

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0692/01 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 22 March 2002

Appellant: Novartis AG
(Proprietor of the patent) Lichtstrasse 35
CH-4056 Basel (CH)

Representative: Zumstein, Fritz, Dr.
Zumstein & Klingseisen
Patentanwälte
Bräuhausstrasse 4
D-80331 München (DE)

Respondent: Bayer AG
(Opponent) Konzernbereich RP
Patente und Lizenzen
D-51368 Leverkusen (DE)

Representative: -

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 25 April 2001
revoking European patent No. 0 516 590 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: P. A. M. Lançon
Members: J. Riolo
S. U. Hoffmann

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office pronounced on 21 March 2001 revoking the European patent No. 0 516 590. The decision was dispatched by registered letter with advice of delivery on 25 April 2001. The opponent filed a notice of appeal by letter dated 23 May 2001, received on 21 June 2001, and paid the fee for appeal on 21 June 2001. 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 7 December 2001 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. A. M. Lançon