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D E C I S I O N
of 28 January 2002

Case Number: T 1114/01 - 3.3.1

Application Number: 97906153.8

Publication Number: 0885202

IPC: C07D 257/02

Language of the proceedings: EN

Title of invention:

Polychelants, their complexes with metal ions, their preparation and their uses

Applicant:

BRACCO S.p.A., et al

Opponent:

-

Headword:

Polychelants/BRACCO

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

-



Case Number: T 1114/01 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 28 January 2002

Appellant: BRACCO S.p.A.
Via E. Folli, 50
I-20134 Milano (IT)

Representative: Minoja, Fabrizio, Dr.
Bianchetti Bracco Minaja S.r.l.
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I-20122 Milano (IT)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 27 April 2001
refusing European patent application
No. 97 906 153.8 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. J. Nuss
Members: J. M. Jonk
J. P. B. Seitz

Summary of Facts and Submissions

I. The appeal contests the decision of the Examining Division of the European Patent Office dispatched by registered letter with advice of delivery to the Applicant on 27 April 2001 refusing the European patent application No. 97 906 153.8.

The Appellant filed a Notice of Appeal by letter received on 26 June 2001 and paid the fee for appeal on the same date. 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 18 October 2001, 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 informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

III. No answer has been given within the given time limit 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