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**D E C I S I O N**  
**of 28 June 2004**

**Case Number:** T 0321/04 - 3.2.2

**Application Number:** 99911354.1

**Publication Number:** 1061974

**IPC:** A61M 5/00

**Language of the proceedings:** EN

**Title of invention:**

Method for manufacturing, filling and packaging medical containers

**Applicant:**

Becton Dickinson and Company

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Failure to file Statement of Grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0321/04 - 3.2.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.2  
of 28 June 2004

**Appellant:** Becton Dickinson and Company  
One Becton Drive  
Franklin Lakes  
New Jersey 07417 - 1880 (US)

**Representative:** Selting, Günther, Dipl.-Ing.  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 28 August 2003  
refusing European application No. 99911354.1  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** W. D. Weiß  
**Members:** M. G. Noel  
A. Pignatelli

## **Summary of Facts and Submissions**

I. The appeal lies from the decision of the Examining Division of the European Patent Office dated 28 August 2003, refusing the European patent application No. 99 911 354.1. The decision was dispatched by registered letter with advice of delivery to the Applicant on the day it was given.

The Appellant filed a notice of appeal by a letter received on 23 October 2003 and paid the fee for appeal on the same day.

No Statement of Ground 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 22 March 2004, sent by registered letter with advice of delivery, 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 and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

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:

V. Commare

W. D. Weiß