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# D E C I S I O N
## of 4 November 2004

**Case Number:** T 0638/04 - 3.3.1

**Application Number:** 99108192.8

**Publication Number:** 0960883

**IPC:** C07D 417/12

**Language of the proceedings:** EN

**Title of invention:**
Substituted thiazolidinedione derivatives

**Applicant:**
SmithKline Beecham plc

**Opponent:**
-

**Headword:**
-

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

**Keyword:**
"Missing Statement of Grounds"

**Decisions cited:**
-

**Catchword:**
-

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Beschwerdekammern | Boards of Appeal | Chambres de recours

**Case Number:** T 0638/04 - 3.3.1

# D E C I S I O N
**of the Technical Board of Appeal 3.3.1**
**of 4 November 2004**

**Appellant:** SmithKline Beecham plc
980 Great West Road
Brentford
Middlesex TW8 9GS (GB)

**Representative:** Rutter, Keith, Dr.
GlaxoSmithKline
Corporate Intellectual Property (CN9.25.1)
980 Great West Road
Brentford, Middlesex TW8 9GS (GB)

**Decision under appeal:** **Decision of the Examining Division of the European Patent Office posted 19 November 2003 refusing European application No. 99108192.8 pursuant to Article 97(1) EPC.**

**Composition of the Board:**

**Chairman:** A. J. Nuss
**Members:** J. M. Jonk
J. H. van Moer

## Summary of Facts and Submissions

I. The appeal contests the decision of the Examining Division of the European Patent Office dated 19 November 2003 refusing the European patent application No. 99 108 192.8. The decision was dispatched by registered letter with advice of delivery on 20 November 2003. The applicant filed a notice of appeal by letter received on 29 January 2004 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 23 June 2004 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds had 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:

N. Maslin A. Nuss