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D E C I S I O N
of 30 November 2004

Case Number: T 0639/04 - 3.3.1

Application Number: 95101489.3

Publication Number: 0667346

IPC: C07D 417/06

Language of the proceedings: EN

Title of invention:

Azole antifungal agents, process for the preparation there of
and intermediates

Applicant:

Eisai Co., Ltd.

Opponent:

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Headword:

-

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 0639/04 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 30 November 2004

Appellant:

Eisai Co., Ltd
6-10, Koishikawa 4-chome
Bunkyo-ku
Tokyo 112-0002 (JP)

Representative:

Hansen, Bernd, Dr. Dipl.-Chem.
Hoffmann Eitle
Patent- und Rechtsanwälte
Arabellastrasse 4
D-81925 München (DE)

Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted 19 November 2003
refusing European application No. 95101489.3
pursuant to Article 97(1) EPC.**

Composition of the Board:

Chairman: A. J. Nuss
Members: P. P. Bracke
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. 95 101 489.3. The decision was dispatched by registered letter with advice of delivery on 19 November 2003. The applicant filed a notice of appeal by letter received on 19 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 20 August 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