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D E C I S I O N
of 14 July 2005

Case Number: T 0411/05 - 3.3.1

Application Number: 02003253.8

Publication Number: 1223167

IPC: C07D 261/08

Language of the proceedings: EN

Title of invention:

Substituted isoxazoles for the treatment of inflammation

Applicant:

G.D. Searle LLC

Opponent:

-

Headword:

Isoxazoles/SEARLE

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Catchword:

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Case Number: T 0411/05 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 14 July 2005

Appellant: G.D. Searle LLC
575 Maryville Centre Drive
St. Louis, Missouri 63141 (US)

Representative: Albrecht, Thomas, Dr.
Kraus & Weisert
Thomas-Wimmer-Ring 15
D-80539 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 25 October 2004
refusing European application No. 02003253.8
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. J. Nuss
Members: P. P. Bracke
R. T. Menapace

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 25 October 2004 refusing the European patent application 02 003 253.8

The Appellant filed a Notice of Appeal by a letter received on 22 December 2004 and paid the fee for appeal on the same day. 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 28 April 2005, sent by registered post, the Registrar 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