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**D E C I S I O N**  
**of 20 September 2005**

**Case Number:** T 0491/05 - 3.3.4

**Application Number:** 96913411.3

**Publication Number:** 0813421

**IPC:** A61K 38/28

**Language of the proceedings:** EN

**Title of invention:**

Liquid formulation for proteinic pharmaceuticals comprising at least 2 absorption enhancers

**Applicants:**

Modi, Pankaj and  
Chandarana, Subash

**Opponent:**

-

**Headword:**

Liquid formulations/MODI et al.

**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 0491/05 - 3.3.4

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.4  
of 20 September 2005

**Applicants:**

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**Representative:**

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**Decision under appeal:**

**Decision of the Examining Division of the  
European Patent Office posted 2 November 2004  
refusing European application No. 96913411.3  
pursuant to Article 97(1) EPC.**

**Composition of the Board:**

**Chair:** U. Kinkeldey  
**Members:** R. Gramaglia  
R. Moufang

## **Summary of Facts and Submissions**

The appeal contests the decision of the Examining Division of the European Patent Office dated 2 November 2004 concerning refusal the European Patent application No. 96 913 411.3.

The appellant (applicant) filed a notice of appeal on 10 January 2005 and paid the fee for appeal on the same day. No statement of grounds was filed by the appellant.

The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

By communications dated 28 April 2005, sent by registered letter with advice of delivery, 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.

Attention was also drawn to Article 122 EPC.

In response to a telephone inquiry by the registry of the Board, the representative of the appellant confirmed that the communication of 28 April 2005 had been received and that no statement of grounds or requests under Article 122 EPC had been filed by the appellant.

## **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 (Rule 65(1) EPC in conjunction with Article 108 EPC).

## **Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible

Registrar:

Chair:

P. Cremona

U. Kinkeldey