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D E C I S I O N
of 21 June 2006

Case Number: T 1104/05 - 3.3.10

Application Number: 99972551.8

Publication Number: 1131112

IPC: A61L 29/00

Language of the proceedings: EN

Title of invention:

A method for sterilising a medical device having a hydrophilic coating

Patentee:

COLOPLAST A/S

Opponent:

AstraZeneca AB

Headword:

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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 1104/05 - 3.3.10

D E C I S I O N
of the Technical Board of Appeal 3.3.10
of 21 June 2006

Appellant: COLOPLAST A/S
(Patent Proprietor) Holtedam 1
DK-3050 Humlebaek (DK)

Representative: Nilausen, Kim
c/o Coloplast A/S
Holtedam 1
DK-3050 Humlebaek (DK)

Respondent: AstraZeneca AB
(Opponent) SE-151 85 Södertälje (SE)

Representative: Lind, Urban Arvid Oskar
AWAPATENT AB
P.O. Box 11394
SE-404 28 Göteborg (SE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
10 June 2005 concerning maintenance of European
patent No. 1131112 in amended form.

Composition of the Board:

Chairman: R. Freimuth
Members: J. Schmid
P. Schmitz

Summary of Facts and Submissions

- I. In its decision dated 10 June 2005 the Opposition Division decided that European patent No. 1 131 112 as amended meets the requirements of the EPC.
- II. The Patent Proprietor, COLOPLAST A/S, filed a notice of appeal on 22 August 2005 against the decision of the Opposition Division and paid the appeal fee on the same day. No statement of grounds was filed within the prescribed period in accordance with Article 108 EPC.
- III. By a communication dated 1 December 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.
- IV. No reply from the Appellant was received within this time-limit.

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:

C. Moser

R. Freimuth