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**Datasheet for the decision  
of 5 February 2007**

**Case Number:** T 1125/06 - 3.3.02

**Application Number:** 97921367.5

**Publication Number:** 0914111

**IPC:** A61K 31/20

**Language of the proceedings:** EN

**Title of invention:**

Prevention and treatment of cachexia and anorexia

**Patentee:**

ABBOTT LABORATORIES

**Opponent:**

Numico Research B.V.

**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 1125/06 - 3.3.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.02  
of 5 February 2007

**Appellant:** Numico Research B.V.  
(Opponent) P.O. Box 7005  
NL-6700 CA Wageningen (NL)

**Representative:** Meekel, Arthur Augustinus P.  
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**Respondent:** ABBOTT LABORATORIES  
(Patent Proprietor) Chad 0377/AP6D-2  
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**Representative:** Modiano, Micaela Nadia  
Modiano, Josif Pisanty & Staub Ltd  
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**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 12 May 2006  
rejecting the opposition filed against European  
Patent No. 0914111 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** U. Oswald  
**Members:** H. Kellner  
J. Willems

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 12 May 2006 rejecting the opposition filed against the European patent No. 0 914 111. The decision was dispatched by registered letter with advice of delivery on 9 May 2006. The Opponent filed a notice of appeal by fax on 21 July 2006, and paid the fee for appeal on the same date. No Statement of Grounds was filed by the last permissible date, 22 September 2006, or at all. 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 27 October 2006 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 communication invited the Appellant to file observations within two months and also drew its attention to Article 122 EPC (re-establishment of rights).
- III. The Appellant has neither filed any observations in response to the said communication nor made a request for re-establishment of rights.

## **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:

A. Townend

U. Oswald