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**Datasheet for the decision
of 26 June 2007**

Case Number: T 1209/06 - 3.3.10

Application Number: 99944884.8

Publication Number: 1115432

IPC: A61L 15/28

Language of the proceedings: EN

Title of invention:

Dermal scaffold using neutralized chitosan sponge or
neutralized chitosan/collagen mixed sponge

Patentee:

Korea Atomic Energy Research Institute

Opponent:

Henkel Kommanditgesellschaft auf Aktien

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 1209/06 - 3.3.10

D E C I S I O N
of the Technical Board of Appeal 3.3.10
of 26 June 2007

Appellant: Korea Atomic Energy Research Institute
(Patent Proprietor) 150, Deokjin-dong,
Yuseong-ku
Daejeon 305-353 (KR)

Representative: Kaiser, Jürgen
Winter, Brandl, Fürniss, Hübner,
Röss, Kaiser, Polte
Partnerschaft
Patent- und Rechtsanwaltskanzlei
Alois-Steinecker-Strasse 22
D-85354 Freising (DE)

Respondent: Henkel Kommanditgesellschaft auf Aktien
(Opponent) Patente (VTP)
D-40191 Düsseldorf (DE)

Representative:

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
19 May 2006 concerning maintenance of the
European patent No. 1115432 in amended form.

Composition of the Board:

Chairman: R. Freimuth
Members: J. Schmid
D. Rogers

Summary of Facts and Submissions

- I. In its interlocutory decision issued in writing on 19 May 2006 the Opposition Division decided that the European patent No. 1 115 432 as amended met the requirements of the EPC.

- II. The Patent Proprietor (Appellant) filed a notice of appeal on 28 July 2006 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 8 November 2006 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 it was to be expected that the appeal 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:

A. Wolinski

R. Freimuth