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**Datasheet for the decision
of 5 December 2008**

Case Number: T 0088/08 - 3.3.10

Application Number: 01270520.8

Publication Number: 1349828

IPC: C07C 213/10

Language of the proceedings: EN

Title of invention:

Process for preparing isomers of salbutamol

Patentee:

CIPLA LIMITED

Opponent:

NORTON HEALTHCARE LTD

Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

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Case Number: T 0088/08 - 3.3.10

D E C I S I O N
of the Technical Board of Appeal 3.3.10
of 5 December 2008

Appellant: NORTON HEALTHCARE LTD
(Opponent) Albert Basin
Royal Docks
London E16 2QJ (GB)

Representative: Gillard, Richard Edward
Elkington and Fife LLP
Prospect House
8 Pembroke Road
Sevenoaks
Kent TN13 1XR (GB)

Respondent: CIPLA LIMITED
(Patent Proprietor) Mumbai Central
Mumbai 400 008 (IN)

Representative: Turner, Craig Robert
A.A. Thornton & Co.
235 High Holborn
London WC1V 7LE (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 6 November 2007
rejecting the opposition filed against European
patent No. 1349828 pursuant to Article 102(2)
EPC 1973.

Composition of the Board:

Chairman: R. Freimuth
Members: J.-C. Schmid
D. S. Rogers

Summary of Facts and Submissions

I. The appeal lies from the decision of the Opposition Division of the European Patent Office rejecting the opposition against European patent No. 1 349 828 pursuant to Article 102(2) EPC 1973. The decision was dispatched by registered letter with advice of delivery on 6 November 2007.

The appellant (opponent) filed a notice of appeal by a letter received on 9 January 2008. The payment of the appeal fee was recorded on the same day.

No separate statement of grounds was filed.

II. By a communication dated 16 April 2008 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.

III. No answer has been given to the registry's communication within the time limit.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed within the time limit provided for in Article 108 EPC and as the notice of appeal contains nothing that could be regarded as statement of grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

C. Rodríguez Rodríguez

R. Freimuth