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**Datasheet for the decision
of 17 February 2009**

Case Number: T 1974/08 - 3.3.02

Application Number: 03750919.7

Publication Number: 1556028

IPC: A61K 31/202

Language of the proceedings: EN

Title of invention:

Eicosapentaenoic acid (EPA) for treating anorexia nervosa (AN)
and bulimia

Applicant:

Amarin Neuroscience Limited

Opponent:

-

Headword:

Eicosapentaenoic acid/AMARIN NEUROSCIENCE

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:

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Catchword:

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Case Number: T 1974/08 - 3.3.02

D E C I S I O N
of the Technical Board of Appeal 3.3.02
of 17 February 2009

Appellant: Amarin Neuroscience Limited
Kings Park House
Laurelhill Business Park
Stirling FK7 9JQ (GB)

Representative: Wakerley, Helen Rachael
Reddie & Grose
16 Theobalds Road
London WC1X 8PL (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 2 May 2008
refusing European application No. 03750919.7
pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: U. Oswald
Members: M. C. Ortega Plaza
T. Karamanli

Summary of Facts and Submissions

- I. The appeal contests the decision of the examining division dated 2 May 2008, refusing European patent application No. 03 750 919.7.

The appellant (applicant) filed a notice of appeal received on 11 July 2008 and paid the fee for appeal on the same day. No statement of grounds of appeal was filed.

- II. In a communication dated 20 October 2008, sent by registered post with advice of delivery, the registrar of the board informed the appellant that no statement of grounds of appeal had been filed and that it was to be expected that it would be rejected as inadmissible. The appellant was informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

- III. No reply was filed to said communication.

Reasons for the Decision

1. Article 108 EPC requires that a statement setting out the grounds of appeal shall be filed within four months of notification of the decision. Pursuant to Rule 101(1) EPC the appeal shall be rejected as inadmissible if it does not comply with Article 108 EPC.

2. In the present case no document was filed by the appellant which could be regarded as a statement setting out the grounds of appeal. Consequently the appeal has to be rejected as inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

N. Maslin

U. Oswald