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**Datasheet for the decision
of 16 June 2009**

Case Number: T 2276/08 - 3.3.02

Application Number: 01967509.9

Publication Number: 1408993

IPC: A61K 33/16

Language of the proceedings: EN

Title of invention:

Halogen compounds for use in medicine

Applicants:

Chapman, Robert Edward, et al

Opponent:

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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 2276/08 - 3.3.02

D E C I S I O N
of the Technical Board of Appeal 3.3.02
of 16 June 2009

Appellants:

Chapman, Robert Edward
"Hazeldene"
10 Welton Wold View
Westerdale
Dale Road Swanland
East Yorkshire HU14 3PX (GB)

and

Chapman, Robert Peter
"The Lodge"
2 Woodside
Green Stiles Lane Swanland
East Yorkshire HU14 3NH (GB)

Representative:

Brand, Thomas Louis
W.P. Thompson & Co.
Coopers Building
Church Street
Liverpool L1 3AB (GB)

Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted 27 June 2008
refusing European application No. 01967509.9
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 posted on 27 June 2008, refusing European patent application No. 01967509.9.

The appellants (applicants) filed a notice of appeal received on 5 September 2008 and paid the fee for appeal on the same day. No statement of grounds of appeal was filed.

- II. In a communication dated 21 January 2009, sent by registered post with advice of delivery, the registrar of the board informed the appellants that no statement of grounds of appeal had been filed and that it was to be expected that the appeal would be rejected as inadmissible. The appellants were 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 appellants 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