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**Datasheet for the decision
of 05 May 2009**

Case Number: T 0283/09 - 3.3.02

Application Number: 02798782.5

Publication Number: 1435928

IPC: A61K 31/095

Language of the proceedings: EN

Title of invention:
Allicin

Applicant:
Stone Island Holdings Ltd.

Headword:
Allicin/STONE ISLAND

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:
-



Case Number: T 0283/09 - 3.3.02

D E C I S I O N
of the Technical Board of Appeal 3.3.02
of 05 May 2009

Appellant: Stone Island Holdings Ltd.
Half House,
Military Road
Rye East Sussex TN31 7NY (GB)

Representative: Bailey, David Martin
Brookes Batchellor LLP,
102-108 Clerkwel Road
London EC1M 5SA (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 10 July 2008
refusing European application No. 02798782.5
pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: U. Oswald
Members: H. Kellner
T. Karamanli

Summary of Facts and Submissions

- I. The appeal contests the decision of the examining division posted on 10 July 2008, refusing European patent application No. 02798782.5.

The appellant (applicant) filed a notice of appeal received on 17 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 09 February 2009, 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 the appeal would be rejected as inadmissible. The appellant 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