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**Datasheet for the decision
of 11 January 2010**

Case Number: T 0712/09 - 3.2.02

Application Number: 98112611.3

Publication Number: 0894482

IPC: A61F 5/448

Language of the proceedings: EN

Title of invention:
An ostomy appliance

Patentee:
Coloplast A/S

Opponent:
Hollister Incorporated

Headword:
-

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 0712/09 - 3.2.02

DECISION
of the Technical Board of Appeal 3.2.02
of 11 January 2010

Appellant: Hollister Incorporated
(Opponent) 2000 Hollister Drive
Libertyville, Illinois 60048-3781 (US)

Representative: Elmeros, Claus
Høiberg A/S
St. Kongensgade 59A
DK-1264 Copenhagen K (DK)

Respondent: Coloplast A/S
(Patent Proprietor) Høltedam 1
DK-3050 Humlebaek (DK)

Representative: Nilausen, Kim
c/o Coloplast A/S
Høltedam 1
DK-3050 Humlebaek (DK)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
14 January 2009 concerning maintenance of
European Patent No. 0894482 in amended form.

Composition of the Board:

Chairman: M. Noël
Members: D. Valle
A. Pignatelli

Summary of Facts and Submissions

- I. The appellant (opponent) appealed against the interlocutory decision of the Opposition Division dated 14 January 2009 concerning maintenance of the European Patent No. 0 894 482 in amended form.
- II. The notice of appeal was received on 24 March 2009 and the appeal fee was paid on the same day. However, no statement of grounds of appeal has been filed within the time limit, nor did the notice of appeal contain anything that might be considered as such statement.
- III. In a communication dated 29 June 2009 sent by registered post with advice of delivery, the Board informed the appellant that no statement of grounds of appeal had been filed and that, as a consequence, it was to be expected that the appeal would be rejected as inadmissible. The appellant was also given a time limit of two months for filing observations starting from the date of notification of said communication.
- IV. The communication was notified on 1st July 2009. No observations were filed within the given time limit.

Reasons for the Decision

1. According to Article 108 EPC, a statement setting out the grounds of appeal shall be filed within four months of notification of the decision.
2. If the appeal does not comply with Article 108 EPC, the appeal must be rejected as inadmissible (Rule 101(1))

EPC). In the present case, no statement of grounds has been filed and consequently the appeal is rejected as inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

D. Sauter

M. Noël