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**Datasheet for the decision
of 26 April 2010**

Case Number: T 1882/09 - 3.3.02

Application Number: 03742313.4

Publication Number: 1517722

IPC: A61M 37/00

Language of the proceedings: EN

Title of invention:

Method of coating transdermal drug delivery devices having coated microprotrusions

Patentee:

ALZA Corporation

Opponent:

3M Innovative Properties Company

Headword:

Method of coating delivery systems/ALZA

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 1882/09 - 3.3.02

D E C I S I O N
of the Technical Board of Appeal 3.3.02
of 26 April 2010

Appellant: ALZA Corporation
(Patent Proprietor) 1010 Joaquin Road
Mountain View, CA 94043 (US)

Representative: Soames, Candida Jane
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(Opponent 02) 3M Innovative Properties Company
3M Center
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Representative: Vossius & Partner
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 28 July 2009
revoking European patent No. 1517722 pursuant
to Article 101(3)(b) EPC.

Composition of the Board:

Chairman: U. Oswald
Members: M. C. Ortega Plaza
J.-P. Seitz

Summary of Facts and Submissions

I. The appeal contests the decision of the opposition division dispatched by registered letter with advice of delivery on 28 July 2009, revoking European patent No. 1517722.

The appellant (proprietor) filed a notice of appeal in a letter received on 22 September 2009 and paid the fee for appeal on the same day. No statement of grounds was filed.

II. In a communication dated 25 January 2010, sent by registered post, 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 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 the 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