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**Datasheet for the decision
of 9 June 2010**

Case Number: T 2009/09 - 3.3.02

Application Number: 99970600.5

Publication Number: 1124567

IPC: A61K 33/14

Language of the proceedings: EN

Title of invention:
Buffered compositions for dialysis

Patentee:
Advanced Renal Technologies

Opponents:
Fresenius Medical Care Deutschland GmbH
GAMBRO LUNDIA AB

Headword:
Compositions for dialysis/ADVANCED RENAL TECHNOLOGIES

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):
-

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 2009/09 - 3.3.02

DECISION
of the Technical Board of Appeal 3.3.02
of 9 June 2010

(Opponent I) Fresenius Medical Care Deutschland GmbH
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Appellant: GAMBRO LUNDIA AB
(Opponent II) Magistratsvägen 16
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Representative: Cresswell, Thomas Anthony
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Respondent: Advanced Renal Technologies
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Representative: Gowshall, Jonathan Vallance
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
12 August 2009 concerning maintenance of the
European patent No. 1124567 in amended form.

Composition of the Board:

Chairman: U. Oswald
Members: H. Kellner
J.-P. Seitz

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office dispatched by registered letter with advice of delivery on 12 August 2009, and concerning maintenance of the European patent No. 1124567 in amended form.

The Appellant (Opponent II) filed a Notice of Appeal by a letter received on 5 October 2009 and paid the fee for appeal on the same day. No Statement of Grounds was filed. The Notice of Appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

II. By a communication dated 26 January 2010, sent by registered post, the Registrar of the Board informed the Appellant that no Statement of Grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.

III. No answer has been given within the given time limit to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC (formerly Rule 65(1) EPC 1973)).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

N. Maslin

U. Oswald