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**Datasheet for the decision
of 24 February 2010**

Case Number: T 2229/09 - 3.3.02

Application Number: 03762661.1

Publication Number: 1536835

IPC: A61K 47/00

Language of the proceedings: EN

Title of invention:

Liquid formulations with high concentration of human growth hormone (HGH) comprising phenol

Applicant:

SANDOZ AG, 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:

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Catchword:

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Case Number: T 2229/09 - 3.3.02

D E C I S I O N
of the Technical Board of Appeal 3.3.02
of 24 February 2010

Appellant: SANDOZ AG
Lichtstrasse 35
CH-4056 Basel (CH)

Representative: -

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 30 April 2009
refusing European patent application
No. 03762661.1 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: U. Oswald
Members: M. C. Ortega Plaza
J. Van Moer

Summary of Facts and Submissions

- I. The appeal contests the decision of the examining division posted on 30 April 2009, refusing European patent application No. 03762661.1.

The appellant (applicant) filed a notice of appeal received on 2 July 2009 and paid the fee for appeal on the same day. No statement of grounds was filed.

- II. By a communication dated 26 November 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