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**Datasheet for the decision
of 13 July 2010**

Case Number: T 2432/09 - 3.2.02

Application Number: 03727486.7

Publication Number: 1509268

IPC: A61M 15/00

Language of the proceedings: EN

Title of invention:
Drug delivery assembly

Applicant:
CHIESI FARMACEUTICI S.p.A.

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 2432/09 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 13 July 2010

Appellant: CHIESI FARMACEUTICI S.p.A.
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Representative: Minoja, Fabrizio
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 8 July 2009
refusing European patent application
No. 03727486.7 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: M. Noël
Members: P. L. P. Weber
A. Pignatelli

Summary of Facts and Submissions

- I. The appellant (applicant) appealed against the decision of the Examining Division of the European Patent Office dated 8 July 2009 refusing European patent application No. 03 727 486.7 pursuant to Article 97(1) EPC.

- II. The notice of appeal was received on 31 August 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 for doing so, nor did the notice of appeal contain anything that might be considered as such statement.

- III. In a communication dated 11 January 2010 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. According to the advice of delivery, the communication was received on 22 January 2010. 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