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

**Case Number:** T 0735/10 - 3.3.02

**Application Number:** 03813545.5

**Publication Number:** 1596870

**IPC:** A61K 31/663

**Language of the proceedings:** EN

**Title of invention:**  
High dose inandronate formulation

**Patentee:**  
F. Hoffmann-La Roche AG

**Opponent:**  
Teva Pharmaceutical Industries Ltd.  
Generics [UK] Limited  
Synthon B.V.

**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 0735/10 - 3.3.02

**DECISION**  
of the Technical Board of Appeal 3.3.02  
of 13 October 2010

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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
28 January 2010 concerning maintenance of  
European patent No. 1596870 in amended form.

**Composition of the Board:**

**Chairman:** U. Oswald  
**Members:** J. Riolo  
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 28 January 2010, and concerning maintenance of the European patent No. 1596870 in amended form.

The Appellant (Opponent 02) filed a Notice of Appeal by a letter received on 7 April 2010 and paid the fee for appeal on 8 April 2010. 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 14 July 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