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**Datasheet for the decision
of 24 March 2011**

Case Number: T 1436/10 - 3.3.10

Application Number: 00946239.1

Publication Number: 1200385

IPC: C07C 69/732

Language of the proceedings: EN

Title of invention:

CRYSTALS OF THE SODIUM SALT OF PRAVASTATIN

Patentee:

LEK Pharmaceuticals d.d.

Opponent:

STADA Arzneimittel AG
Harrison Goddard Foote

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:

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Case Number: T 1436/10 - 3.3.10

D E C I S I O N
of the Technical Board of Appeal 3.3.10
of 24 March 2011

Appellant: LEK Pharmaceuticals d.d.
(Patent Proprietor) Verovskova 57
SI-1526 Ljubljana (SI)

Representative: -

Respondent I: STADA Arzneimittel AG
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Representative: Hamm, Volker
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Respondent II: Harrison Goddard Foote
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted
26 April 2010 concerning maintenance of
European patent No. 1200385 in amended form.**

Composition of the Board:

Chairman: P. Gryczka
Members: J.-C. Schmid
D. S. Rogers

Summary of Facts and Submissions

I. This is an appeal against the interlocutory decision of the Opposition Division of the European Patent Office posted 26 April 2010 concerning maintenance of the European Patent No. 1200385 in amended form.

A notice of appeal on behalf of the appellant patentee was filed on 5 July 2010. The appeal fee was paid on the same day. No separate statement of grounds of appeal was filed.

II. By a communication dated 1 October 2010 sent by registered letter with advice of delivery, the appellant patentee was informed that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months. A copy of the communication was sent to the respondents I and II (opponents 01 and 02, respectively) on the same day for information.

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

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

C. Rodríguez Rodríguez

P. Gryczka