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**Datasheet for the decision
of 20 April 2011**

Case Number: T 2483/10 - 3.3.02

Application Number: 05783338.6

Publication Number: 1778184

IPC: A61K 9/10

Language of the proceedings: EN

Title of invention:

Stable suspension formulations of erythropoietin receptor agonists

Applicant:

ALZA Corporation

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 2483/10 - 3.3.02

D E C I S I O N
of the Technical Board of Appeal 3.3.02
of 20 April 2011

Appellant: ALZA Corporation
700 Eubanks Drive
Vacaville, CA 95688 (US)

Representative: Williams, Paul Edwin
Ablett & Stebbing
Caparo House
101-103 Baker Street
London W1U 6FQ (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 6 July 2010
refusing European patent application
No. 05783338.6 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: U. Oswald
Members: A. Lindner
R. Cramer

Summary of Facts and Submissions

- I. The appeal contests the decision of the examining division posted on 6 July 2010, refusing European patent application No. 05783338.6.

The appellant (applicant) filed a notice of appeal received on 15 September 2010 and paid the fee for appeal on the same day. No statement of grounds of appeal was filed.

- II. In a communication dated 20 January 2011 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