

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 30 September 2011**

Case Number: T 0650/11 - 3.2.02

Application Number: 01927023.0

Publication Number: 1381415

IPC: A61M 5/46

Language of the proceedings: EN

Title of invention:

Method of intradermally injecting substances

Applicant:

Becton Dickinson and Company

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0650/11 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 30 September 2011

Appellant: Becton Dickinson and Company
One Becton Drive
Franklin Lakes
New Jersey 07417-1880 (US)

Representative: Killin, Stephen James
Venner Shipley LLP
20 Little Britain
London EC1A 7DH (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 6 October 2010
refusing European patent application
No. 01927023.0 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: M. Noël
Members: M. Stern
M. J. Vogel

Summary of Facts and Submissions

- I. The appellant (applicant) appealed against the decision of the Examining Division dated 6 October 2010 refusing the European patent application 01 927 023.0.
- II. The notice of appeal was received on 6 December 2010 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 28 March 2011 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. The communication was notified on 1 April 2011. 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