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**Datasheet for the decision
of 30 January 2012**

Case Number: T 1139/11 - 3.3.02
Application Number: 04706657.6
Publication Number: 1601359
IPC: A61K 31/4747, A61K 9/08
Language of the proceedings: EN

Title of invention:
Liquid pharmaceutical formulations of palonosetron

Patentee:
Helsinn Healthcare S.A.

Opponents:
DR REDDYS LABORATORIES (UK) LIMITED
White, Martin Paul
Tecnimedede Sociedade Tecnico-Medicinal, S.A.

Headword:
Liquid Pharmaceutical Formulations of Palonosetron/HELSINN
HEALTHCARE S.A.

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1139/11 - 3.3.02

D E C I S I O N
of the Technical Board of Appeal 3.3.02
of 30 January 2012

Appellant: Helsinn Healthcare S.A.
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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 24 March 2011 revoking European patent No. 1601359 pursuant to Article 101(3)(b) 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 opposition division dispatched by registered letter with advice of delivery on 24 March 2011, revoking European patent No. 1 601 359.

The appellant (proprietor) filed a notice of appeal in a letter received on 24 May 2011 and paid the fee for appeal on the same day. No statement of grounds was filed.

II. In a communication dated 29 August 2011, sent by registered post, 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