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**Datasheet for the decision
of 8 October 2012**

Case Number: T 2639/11 - 3.3.01
Application Number: 03253070.1
Publication Number: 1375497
IPC: C07D 401/12, A61K 31/44
Language of the proceedings: EN

Title of invention:
Magnesium salt of s-omeprazole

Patentee:
SHERMAN, Bernard Charles

Opponents:
Teva Pharmaceutical Industries Ltd.
Hexal Aktiengesellschaft
STADA Arzneimittel AG
Krka, Tovarna Zdravil, d.d.
Mepha AG
Actavis Group hf.

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 2639/11 - 3.3.01

D E C I S I O N
of the Technical Board of Appeal 3.3.01
of 8 October 2012

Appellant: SHERMAN, Bernard Charles
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 10 October 2011
revoking European patent No. 1375497 pursuant
to Article 101(3)(b) EPC.

Composition of the Board:

Chairman: P. Ranguis
Members: L. Seymour
L. Bühler

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the opposition division posted on 10 October 2011, revoking European patent No. 1 375 497.
- II. The appellant (patent proprietor) filed a notice of appeal on 20 December 2011 and paid the appeal fee on the same day.
- III. By communication of 14 May 2012, received by the appellant on 21 May 2012, the registry of the board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore 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 informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Schalow

P. Ranguis