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**Datasheet for the decision  
of 3 March 2014**

**Case Number:** T 1540/13 - 3.3.10

**Application Number:** 07254341.6

**Publication Number:** 1917983

**IPC:** A61L17/12, A61L17/14

**Language of the proceedings:** EN

**Title of invention:**

Long term bioabsorbable barbed sutures

**Patent Proprietor:**

Covidien LP

**Opponent:**

Angiotech Pharmaceuticals, Inc.

**Headword:**

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
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Case Number: T 1540/13 - 3.3.10

**D E C I S I O N  
of Technical Board of Appeal 3.3.10  
of 3 March 2014**

**Appellant:**  
(Patent Proprietor)

Covidien LP  
15 Hampshire Street  
Mansfield, MA 02048 (US)

**Representative:**

Soames, Candida Jane  
Maschio & Soames LLP  
20 Carlton Crescent  
Southampton, SO15 2ET (GB)

**Respondent:**  
(Opponent)

Angiotech Pharmaceuticals, Inc.  
1618 Station Street  
Vancouver, British Columbia V6A 1B6 (CA)

**Representative:**

Bond, Christopher William  
Forresters  
Skygarden  
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**Decision under appeal:**

**Decision of the Opposition Division of the  
European Patent Office posted on 25 April 2013  
revoking European patent No. 1917983 pursuant to  
Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chairman:** P. Gryczka  
**Members:** J. Mercey  
F. Blumer

### **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Opposition Division posted on 25 April 2013 revoking European patent No. 1 917 983.
- II. The appellant (patent proprietor) filed a notice of appeal on 5 July 2013 and paid the appeal fee on the same day.
- III. By communication of 26 September 2013, received by the appellant, 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:



C. Rodríguez Rodríguez

P. Gryczka

Decision electronically authenticated