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**Datasheet for the decision
of 8 June 2015**

Case Number: T 2348/14 - 3.3.07

Application Number: 06727097.5

Publication Number: 1890678

IPC: A61K9/12, A61K31/08, A61P9/10,
A61P25/28, A61K31/77

Language of the proceedings: EN

Title of invention:
Therapeutic sclerosing foam containing xenon

Patent Proprietor:
BTG International Limited

Opponent:
CHEMISCHE FABRIK KREUSSLER & CO. GMBH

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1), 126(2)

Keyword:
Admissibility of appeal - missing statement of grounds



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 2348/14 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 8 June 2015

Appellant: CHEMISCHE FABRIK KREUSSLER & CO. GMBH
(Opponent) Rheingaustrasse 87-93
D-65203 Wiesbaden (DE)

Representative: Von Kreisler Selting Werner - Partnerschaft
von Patentanwälten und Rechtsanwälten mbB
Deichmannhaus am Dom
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50667 Köln (DE)

Respondent: BTG International Limited
(Patent Proprietor) 5 Fleet Place
London EC4M 7RD (GB)

Representative: BTG plc Intellectual Property Group
5 Fleet Place
London EC4M 7RD (GB)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 13 October 2014
rejecting the opposition filed against European
patent No. 1890678 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman J. Riolo
Members: D. Semino
I. Beckedorf

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 24 September 2014, posted on 13 October 2014.
- II. The opponent (appellant) filed a notice of appeal on 18 December 2014 and paid the appeal fee on the same day.
- III. By communication of 11 March 2015, received by the appellant on 16 March 2015, 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:



S. Fabiani

J. Riolo

Decision electronically authenticated