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**Datasheet for the decision
of 24 October 2016**

Case Number: T 1659/15 - 3.2.08

Application Number: 07809885.2

Publication Number: 2032073

IPC: A61F2/00

Language of the proceedings: EN

Title of invention:
EASE OF USE TISSUE REPAIR PATCH

Patent Proprietor:
W.L. Gore & Associates, Inc.

Opponent:
Johnson & Johnson Medical GmbH

Headword:

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

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



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Case Number: T 1659/15 - 3.2.08

D E C I S I O N
of Technical Board of Appeal 3.2.08
of 24 October 2016

Appellant: W.L. Gore & Associates, Inc.
(Patent Proprietor) 555 Paper Mill Road
P.O. Box 9206
Newark DE 19714 (US)

Representative: Wilson, Gary
HGF Limited
Delta House
50 West Nile Street
Glasgow G1 2NP (GB)

Respondent: Johnson & Johnson Medical GmbH
(Opponent) Robert-Koch-Strasse 1
22851 Norderstedt (DE)

Representative: Uexküll & Stolberg
Partnerschaft von
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Beselerstraße 4
22607 Hamburg (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
15 May 2015 concerning maintenance of the
European Patent No. 2032073 in amended form.**

Composition of the Board:

Chairwoman P. Acton
Members: C. Herberhold
D. T. Keeling

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 3 February 2015, posted on 15 May 2015.
- II. The appellant filed a notice of appeal on 24 July 2015 and paid the appeal fee on the same day.
- III. By communication of 22 April 2016, 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

1. 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.
2. 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.
3. 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 Chairwoman:



C. Moser

P. Acton

Decision electronically authenticated