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**Datasheet for the decision
of 16 January 2017**

Case Number: T 1835/16 - 3.3.01

Application Number: 08838001.9

Publication Number: 2212327

IPC: C07D487/04, A61K31/4184,
A61P35/00

Language of the proceedings: EN

Title of invention:

2-((R)-2-METHYLPYRROLIDIN-2-YL)-1H-BENZIMIDAZOLE-4-CARBOXAMIDE
CRYSTALLINE FORM 1

Applicant:

AbbVie Bahamas Ltd.

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 100(1)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



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Chambres de recours

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Case Number: T 1835/16 - 3.3.01

D E C I S I O N
of Technical Board of Appeal 3.3.01
of 16 January 2017

Appellant: AbbVie Bahamas Ltd.
(Applicant) Sassoon House
Shirley Street & Victoria Avenue
New Providence, Nassau (BS)

Representative: Modiano, Micaela Nadia
Modiano & Partners
Thierschstrasse 11
80538 München (DE)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 12 February 2016 refusing European patent application No. 08838001.9 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman A. Lindner
Members: M. Pregetter
L. Bühler

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division, posted on 12 February 2016.
- II. The appellant filed a notice of appeal on 8 April 2016 and paid the appeal fee on the same day.
- III. By communication of 10 August 2016, received by the appellant on 11 August 2016, 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

A. Lindner

Decision electronically authenticated