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**Datasheet for the decision
of 6 March 2017**

Case Number: T 2067/16 - 3.2.06

Application Number: 00920067.6

Publication Number: 1168997

IPC: A61F13/00, A61M1/00

Language of the proceedings: EN

Title of invention:

VACUUM ASSISTED CLOSURE SYSTEM WITH PROVISION FOR INTRODUCTION
OF AGENT

Patent Proprietor:

KCI Licensing, Inc.

Opponent:

Smith and Nephew, Inc.

Headword:

Relevant legal provisions:

Keyword:

Decisions cited:

Catchword:



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Boards of Appeal
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European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 2067/16 - 3.2.06

D E C I S I O N
of Technical Board of Appeal 3.2.06
of 6 March 2017

Appellant: KCI Licensing, Inc.
(Patent Proprietor) 12930 IH-10 West
San Antonio, TX 78249-2248 (US)

Representative: Cordina, Kevin John
Olswang LLP
90 High Holborn
London WC1V 6XX (GB)

Respondent: Smith and Nephew, Inc.
(Opponent) 1450 Brooks Road
Memphis, TN 38116 (US)

Representative: Vossius & Partner
Patentanwälte Rechtsanwälte mbB
Siebertstrasse 3
81675 München (DE)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 7 July 2016
revoking European patent No. 1168997 pursuant to
Article 101(3) (b) EPC.**

Composition of the Board:

Chairman M. Harrison
Members: T. Rosenblatt
W. Ungler

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division posted on 7 July 2016 revoking European Patent No. 1 168 997.
- II. The appellant (proprietor) filed a notice of appeal on 7 September 2016 and paid the appeal fee on the same day.
- III. By communication of 2 December 2016, received by the appellant on 13 December 2016 (as confirmed by a notification of receipt signed by the appellant's representative), 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 to the communication.

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 of appeal 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. Kiehl

M. Harrison

Decision electronically authenticated