

Internal distribution code:

- (A) [-] Publication in OJ
- (B) [-] To Chairmen and Members
- (C) [-] To Chairmen
- (D) [X] No distribution

**Datasheet for the decision
of 9 October 2017**

Case Number: T 0946/17 - 3.2.06

Application Number: 02794392.7

Publication Number: 1478313

IPC: A61F13/00

Language of the proceedings: EN

Title of invention:
VENTED VACUUM BANDAGE

Patent Proprietor:
KCI Medical Resources

Opponent:
Smith and Nephew, Inc.

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Keyword:
Admissibility of appeal - missing statement of grounds



Beschwerdekammern
Boards of Appeal
Chambres de recours

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

Case Number: T 0946/17 - 3.2.06

D E C I S I O N
of Technical Board of Appeal 3.2.06
of 9 October 2017

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

Representative: HGF Limited
1 City Walk
Leeds LS11 9DX (GB)

Respondent: KCI Medical Resources
(Patent Proprietor) Zephyr House
122 Mary Street
Grand Cayman (KY)

Representative: Cordina, Kevin John
CMS Cameron McKenna Nabarro
Olswang LLP
Cannon Place
78 Cannon Street
London EC4N 6AF (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted on
30 January 2017 concerning maintenance of the
European Patent No. 1478313 in amended form.

Composition of the Board:

Chairman M. Harrison
Members: G. de Crignis
M. Tardo-Dino

Summary of Facts and Submissions

- I. By way of its interlocutory decision, the opposition division found that European Patent No. 1 478 313 as amended according to the Main Request met the requirements of the European Patent Convention (EPC).
- II. The appellant (opponent) filed a notice of appeal on 10 April 2017 and paid the appeal fee on the same day.
- III. By communication of 29 June 2017, received by the appellant on 3 July 2017, 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. 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.

2. 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. H. A. Patin

M. Harrison

Decision electronically authenticated