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**Datasheet for the decision
of 20 February 2018**

Case Number: T 1048/17 - 3.3.07

Application Number: 09749811.7

Publication Number: 2293786

IPC: A61K9/68, A61K31/465, A61P25/34

Language of the proceedings: EN

Title of invention:
Tablettable chewing gums comprising nicotine and a buffering agent

Patent Proprietor:
Novartis Consumer Health S.A.

Opponent:
Fertin Pharma A/S

Relevant legal provisions:
EPC Art. 108

Keyword:
Admissibility of appeal - missing statement of grounds



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Case Number: T 1048/17 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 20 February 2018

Appellant: Novartis Consumer Health S.A.
(Patent Proprietor) Route de l'Etraz 2
1197 Prangins (CH)

Representative: Thompson, Clive Beresford
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Brentford, Middlesex TW8 9GS (GB)

Respondent: Fertin Pharma A/S
(Opponent) Dandyvej 19
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Representative: Hoffmann Eitle
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 3 March 2017
revoking European patent No. 2293786 pursuant to
Article 101(3) (b) EPC.**

Composition of the Board:

Chairman J. Riolo
Members: A. Usuelli
Y. Podbielski

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 31 January 2017, posted on 3 March 2017.
- II. The appellant filed a notice of appeal on 28 April 2017 and paid the appeal fee on the same day.
- III. By communication of 1 August 2017, 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. 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