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**Datasheet for the decision
of 8 October 2018**

Case Number: T 0925/18 - 3.2.02

Application Number: 12177242.0

Publication Number: 2548519

IPC: A61B17/04, A61B17/06

Language of the proceedings: EN

Title of invention:
Knotless suture constructs

Patent Proprietor:
Arthrex, Inc.

Opponent:
Smith & Nephew, Inc.

Headword:

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

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



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Case Number: T 0925/18 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 8 October 2018

Appellant: Arthrex, Inc.
(Patent Proprietor) 1370 Creekside Boulevard
Naples, FL 34108-1945 (US)

Representative: Leihkauf, Steffen Falk
Jacobacci & Partners S.p.A.
Via Senato 8
20121 Milano (IT)

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

Representative: Appleyard Lees IP LLP
15 Clare Road
Halifax HX1 2HY (GB)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
31 January 2018 concerning maintenance of the
European Patent No. 2548519 in amended form**

Composition of the Board:

Chairman E. Dufrasne
Members: D. Ceccarelli
M. Stern

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division posted on 31 January 2018.
- II. The appellant filed a notice of appeal on 9 April 2018 and paid the appeal fee on the same day.
- III. By communication of 26 June 2018, 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

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:



D. Hampe

E. Dufrasne

Decision electronically authenticated