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**Datasheet for the decision
of 16 January 2019**

Case Number: T 1746/18 - 3.3.03

Application Number: 09748557.7

Publication Number: 2365988

IPC: C08F4/68

Language of the proceedings: EN

Title of invention:

CROSSLINKED CATION EXCHANGE POLYMERS, COMPOSITIONS AND USE IN
TREATING HYPERKALEMIA

Patent Proprietor:

Vifor (International) Ltd.

Opponents:

Hexal AG
Teva Pharmaceutical Industries Ltd

Relevant legal provisions:

EPC Art. 108
EPC R. 99(2), 101(1)

Keyword:

Admissibility of appeal - (no) - missing statement of grounds



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1746/18 - 3.3.03

D E C I S I O N
of Technical Board of Appeal 3.3.03
of 16 January 2019

Appellant: Teva Pharmaceutical Industries Ltd
(Opponent 2) 5 Basel Street
P.O. Box 3190
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Representative: D Young & Co LLP
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London EC1N 2DY (GB)

Respondent: Vifor (International) Ltd.
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Representative: Potter Clarkson
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Party as of right: Hexal AG
(Opponent 1) Industriestrasse 25
83607 Holzkirchen (DE)

Representative: Best, Michael
Lederer & Keller
Patentanwälte Partnerschaft mbB
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted on
15 May 2018 concerning maintenance of the
European Patent No. 2365988 in amended form.

Composition of the Board:

Chairman D. Semino
Members: D. Marquis
 C. Brandt

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 12 April 2018, posted on 15 May 2018.
- II. The appellant filed a notice of appeal on 5 July 2018 and paid the appeal fee on the same day.
- III. By communication of 29 October 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. It was also indicated that the Board assumed that the appellant's request for oral proceedings did not apply to the issue of inadmissibility of the appeal because no grounds of appeal had been filed in due time and that this assumption would not be made if the appellant so stated within the specified period.
- 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:



B. ter Heijden

D. Semino

Decision electronically authenticated