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

Case Number: T 0537/19 - 3.3.07

Application Number: 14824382.7

Publication Number: 2925305

IPC: A61K9/16, A61K31/501

Language of the proceedings: EN

Title of invention:

IMPROVED PHARMACEUTICAL COMPOSITIONS OF PIMOBENDAN

Patent Proprietor:

Boehringer Ingelheim Vetmedica GmbH

Opponent:

CEVA SANTE ANIMALE

Relevant legal provisions:

EPC Art. 108

Keyword:

Admissibility of appeal - missing statement of grounds



Beschwerdekammern
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Case Number: T 0537/19 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 16 September 2019

Appellant: CEVA SANTE ANIMALE
(Opponent) 10, avenue de la Ballastière
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Representative: Cabinet Becker et Associés
25, rue Louis le Grand
75002 Paris (FR)

Respondent: Boehringer Ingelheim Vetmedica GmbH
(Patent Proprietor) Binger Strasse 173
55216 Ingelheim am Rhein (DE)

Representative: Hoffmann Eitle
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81925 München (DE)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 19 December
2018 rejecting the opposition filed against
European patent No. 2925305 pursuant to Article
101(2) EPC.**

Composition of the Board:

Chairman J. Riolo
Members: E. Duval
C. Schmidt

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 19 December 2018, posted on 19 December 2018.
- II. The appellant filed a notice of appeal on 19 February 2019 and paid the appeal fee on the same day.
- III. By communication of 24 May 2019, 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:



B. Atienza Vivancos

J. Riolo

Decision electronically authenticated