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**Datasheet for the decision  
of 23 September 2022**

**Case Number:** T 0591/22 - 3.3.04  
**Application Number:** 18175497.9  
**Publication Number:** 3395339  
**IPC:** A61K31/135, A61K9/28, A61K9/20,  
A61P5/18  
**Language of the proceedings:** EN

**Title of invention:**

RAPID DISSOLUTION FORMULATION OF A CINACALCET HCL

**Patent Proprietor:**

Amgen Inc.

**Opponents:**

Teva Pharmaceutical Industries Ltd  
HGF Limited  
Gillard, Richard Edward  
Glenmark Pharmaceuticals Europe Ltd  
BIOGARAN  
Zentiva, k.s.  
MAIWALD PATENTANWALTS- UND  
RECHTSANWALTSGESELLSCHAFT MBH  
Aechter, Bernd  
Accord Healthcare  
betapharm Arzneimittel GmbH  
Hexal AG

**Headword:**

Missing statement of grounds/AMGEN

**Relevant legal provisions:**

EPC Art. 108

EPC R. 99(2), 101(1), 126(2)

**Keyword:**

Admissibility of appeal - missing statement of grounds



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

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Case Number: T 0591/22 - 3.3.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.04**  
**of 23 September 2022**

**Appellant:** Amgen Inc.  
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**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 16 December  
2021 revoking European patent No. 3395339  
pursuant to Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chairwoman** M. Pregetter  
**Members:** B. Rutz  
P. de Heij

### **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the opposition division posted on 16 December 2021.
- II. The appellant filed a notice of appeal on 28 February 2022 and paid the appeal fee on the same day.
- III. By communication of 18 May 2022, receipt of which was confirmed 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 EPC, third sentence 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 of 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 Chairwoman:



A. Chavinier-Tomsic

M. Pregetter

Decision electronically authenticated