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D E C I S I O N
of 26 November 1998

Case Number: T 0459/98 - 3.3.4

Application Number: 90200573.5

Publication Number: 0389034

IPC: C12N 15/40

Language of the proceedings: EN

Title of invention:
Hog cholera virus vaccine and diagnostic

Patentee:
Akzo Nobel N.V.

Opponent:
Bayer AG Konzernbereich RP Patente and Lizenzen

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



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14

Case Number: T 0459/98 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.5
of 26 November 1998

Appellant:
(Opponent) Bayer AG
Konzernbereich RP
Patente und Lizenzen
51368 Leverkusen (DE)

Representative: Smulders, Theodorus A.H.J., Ir.
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P.O. Box 87930
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Respondent:
(Proprietor of the patent) Akzo Nobel N.V.
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Representative: Hermans, Franciscus G.M.
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P.O. Box 20
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 16 February
1998 concerning maintenance of the European
patent No. 0 389 034 in amended form.

Composition of the Board:

Chairwoman: U. M. Kinkeldey
Members: F. L. Davison-Brunel
W. Moser
L. Galligani
C. Holtz

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 16 February 1998 concerning maintenance of European patent No. 0 389 034 in amended form.

The appellant (opponent) filed a notice of appeal on 16 April 1998 and paid the fee for appeal on the same day.

No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

- II. By a communication dated 3 August 1998 sent by registered letter with advice of delivery, the registry of the Board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months. Attention was also drawn to Article 122 EPC.

- III. No answer has been given to the registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Rule 65(1) EPC in conjunction with Article 108 EPC).

16

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairwoman:

D. Spigarelli

U. Kinkeldey

