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D E C I S I O N
of 18 May 2000

Case Number: T 1006/99 - 3.3.1

Application Number: 90301335.7

Publication Number: 0382526

IPC: C07D 473/00

Language of the proceedings: EN

Title of invention:

Substituted -1,3-oxathiolanes with antiviral properties

Patentee:

BIOCHEM PHARMA INC.

Opponent:

Emory University

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Catchword:

-



Case Number: T 1006/99 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 18 May 2000

Appellant: Emory University
(Opponent) 1380 S. Oxford Road
Atlanta
Georgia 30322 (US)

Representative: Hallybone, Huw George
CARPMAELS & RANSFORD
43 Bloomsbury Square
London, WC1A 2RA (GB)

Respondent: BIOCHEM PHARMA INC.
(Proprietor of the patent) 275 Armand Frappier Boulevard
Laval
Quebec H7V 4A7 (CA)

Representative: Ritter, Stephen David
Mathys & Squire
100 Grays Inn Road
London WC1X 8AL (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 23 August 1999
rejecting the opposition filed against European
patent No. 0 382 526 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: A. J. Nuss
Members: R. Freimuth
J. P. B. Seitz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 23 August 1999 rejecting the opposition filed against the European patent No. 0 382 526. The decision was dispatched by registered letters with advice of delivery on 23 August 1999. The opponent filed a notice of appeal by letter dated 2 November 1999, received on 2 November 1999, and paid the fee for appeal on the same date. 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 February 2000 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.

- III. The Appellant filed no observations in response to said 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 (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

N. Maslin

A. Nuss