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Datasheet for the decision of 6 March 2018

Case Number: T 2288/17 - 3.3.07
Application Number: 09817294.3
Publication Number: 2331073
IPC: A61K9/14, A61K47/12

Language of the proceedings: EN

Title of invention:
NEW CONTROLLED RELEASE ACTIVE AGENT CARRIER

Applicant:
Omya International AG

Relevant legal provisions:
EPC Art. 108
EPC R. 101(2)

Keyword:
Admissibility of appeal - missing statement of grounds
DECISION
of Technical Board of Appeal 3.3.07
of 6 March 2018

Appellant: Omya International AG
(Applicant)
Baslerstrasse 42
4665 Oftringen (CH)

Representative: Tiefbrunner, Vera
Maiwald Patentanwalts GmbH
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Elisenstrasse 3
80335 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 12 April 2017
refusing European patent application No.
09817294.3 pursuant to Article 97(2) EPC.

Composition of the Board:
Chairman J. Riolo
Members: A. Usuelli
F. Schmitz
Summary of Facts and Submissions

I. The appeal is directed against the decision of the Examining Division to refuse the European patent application 09 817 294.3. The decision was posted on 12 April 2017.

II. The appellant filed a notice of appeal on 7 June 2017 and paid the appeal fee on the same day.

III. By communication of 18 October 2017, 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:

S. Fabiani J. Riolo

Decision electronically authenticated