

EUROPEAN QUALIFYING EXAMINATION 2012

Paper C

This paper comprises:

- | | |
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| * Letter from opponent to professional representative | 2012/C/EN/1 |
| * Annex 1 | 2012/C/EN/2-7 |
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| * Notes to the notice of opposition (EPO Form 2300),
Form 2300: Notice of opposition to a European patent | |



Mr Charly Gouno
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Mr Leon Cavallo
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Minga, 01.03.2012

Dear Mr Cavallo,

We would like you to file an opposition on behalf of Margarete S.A. against European Patent EP 2 005 941 (Annex 1).

We have found some documents (Annexes 2 to 6) which might be of use for you.

With our best regards,

Charly Gouno

Enclosures:

Annex 1: EP 2 005 941 B1

Annex 2: EP 1 634 576 A1

Annex 3: WO 03/039466 A1

Annex 4: WO 2004/078123 A1

Annex 5: EP 1 795 174 A1

Annex 6: US 2003/0175335 A1



(19)



**Europäisches Patentamt
European Patent Office
Office européen des brevets**

(11) **EP 2005941 B1**

(12)

EUROPEAN PATENT SPECIFICATION

(45) Date of publication and mention
of the grant of the patent:

(51) Int. Cl.⁷: **A61Q19/00**

15.06.2011 Bulletin 2011/24

(21) Application number: **08009757.9**

(22) Date of filing: **29.05.2008**

(54)

Beauty and Medication Patch

Kosmetik- und Arzneimittelpflaster

Patch cosmétique et pharmaceutique

(84) Designated Contracting States:

DE ES FR GR GB IT

(73) Proprietor:

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(30) Priority:

(72) Inventor:

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(43) Date of publication of application:

30.11.2009

(74) Representative:

Clod de Bussy



Note: Within nine months from the publication of the mention of the grant of the European patent, any person may give notice to the European Patent Office of opposition to the European patent granted. Notice of opposition shall be filed in a written reasoned statement. It shall not be deemed to have been filed until the opposition fee has been paid (Art. 99(1) European Patent Convention).



[0001] The invention relates to the field of skin patches for delivery of a skin care composition or agent. Skin care compositions include in general cosmetic or pharmaceutical compositions.

5 **[0002]** Adhesive patches are commonly used to deliver pharmaceutical agents and/or cosmetic agents to human skin. However, several drawbacks exist for conventional skin patches when they are applied to the skin.

10 **[0003]** High adhesiveness in general leads to painful removal of the patches from skin. Further, conventional patches have either high flexibility or high mechanical stability, but not both. Both properties are required for the user to easily apply and, in particular, to remove patches from body parts such as the armpits, fingers or the area around the eyes. A further problem associated with conventional patches lies in the fact that the patches do not allow air circulation on the skin.

15 **[0004]** In order to address said problems, the present invention proposes a multi-layered patch comprising a storage-layer comprising an active ingredient, at least one adhesive layer and a textile layer. Depending on the active ingredient, the multi-layered patch of the present invention can be used for various cosmetic (non-therapeutic) and
20 medical (therapeutic) applications. In preferred embodiments of the present invention, the multi-layered patch can be used for therapy such as wound healing and pain alleviation or for cosmetic treatments such as anti-ageing (treating wrinkled skin) or deodorisation.



[0005] A flexible but mechanically stable patch can be achieved by combining the storage layer with a textile (i.e. fabric) layer, acting as a support. Any layer which can be loaded or soaked with a cosmetic or pharmaceutical active ingredient can be used as the storage layer. A classical example for a storage layer would be a layer of a polymeric matrix into which the active ingredient is absorbed or with which it is mixed. The textile layer can be formed from any nonwoven or woven material which both can be made from various synthetic (e.g. polymeric fibres) or natural fibres (e.g. cotton fibres). As the active ingredient, any compound can be used which can be released from the storage layer and which has a pleasant smell or has a cosmetic or therapeutic effect on the skin.

[0006] The multi-layered patch of the present invention releases a sufficient amount of the active ingredient within the intended time of application. For example, in wound healing applications a release rate of from 5 to 10 mg of active ingredient per cm² per hour has been found advantageous for achieving fast wound healing and low scar formation.

[0007] In a preferred embodiment, the multi-layered patch contains a hydrogel. The preferred hydrogel comprises water, gelatine, alcohol and silver particles, wherein the content of the silver particles is 10-30 % by weight of the hydrogel.

[0008] A perforated layer can further be used in order to allow increased air circulation between the skin and the environment. Usually, a perforated layer is a polymeric layer with holes. The holes are small enough to prevent passage of liquid, but large enough to allow air to pass through.

[0009] The multi-layered patch of the present invention contains one or more adhesive layers which are tacky at room temperature. Internal or external adhesive layers can be present. Internal adhesive layers enhance the structural integrity of the patch and thus help prevent separation of the various layers during use of the patch. An external adhesive layer can be used so that the patch adheres to the skin.



[0010] The patch of the present invention may contain a perfume to mask any unpleasant odours of the components of the patch or to make the patch more attractive to the consumer. The perfume composition may vary depending on the intended use (e.g. a fresh flowery perfume for cosmetics and a "clean and clinical" smell for a pharmaceutical application). The perfume composition is associated with the textile layer.

[0011] The greatest versatility in the manufacturing process can be achieved if a patch support structure is prepared first. This can be combined later with the storage layer and possibly with further layers such as a hydrogel layer. The present invention therefore also relates to a manufacturing process for a patch support structure wherein a release layer, an adhesive layer, a textile layer, a melt adhesive layer and a perforated layer are laid on top of each other, pressed together and then cured (e.g. by thermal treatment at elevated temperature). By curing the patch support structure, the structural integrity can be further improved. Separation of the layers during use or removal of the patch is less likely when the pressed support structure is cured.

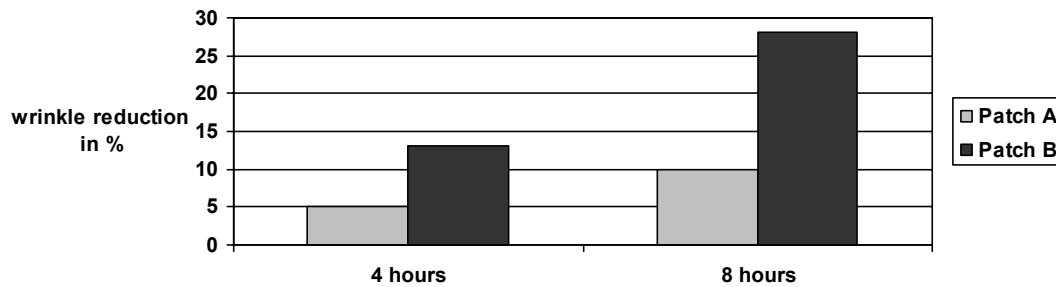
[0012] Example

[0013] Patch A according to the invention is prepared by curing an arrangement of a release layer, an adhesive layer, a nonwoven textile layer, a melt adhesive layer and a perforated layer. After removal of the release layer, which protects the adhesive layer during production, a polymeric storage-layer comprising an anti-wrinkle compound is applied on top of the adhesive layer. The patch shows good flexibility and high mechanical stability.



[0014] Patch B, further comprising a hydrogel layer, is a preferred embodiment of the present invention. The following graph shows the percentage of wrinkle reduction when applying both patches on the skin of a panel of test users after 4 and 8 hours. The graph demonstrates enhanced wrinkle reduction by using patch B. This is believed to be achieved due to the formation of a hydrophilic bridge which enhances the transport of the active ingredient to the skin.

[0015]



Claims:

1. A multi-layered patch comprising
 - a storage-layer comprising an active ingredient to be delivered to skin,
 - an adhesive layer, and
 - a textile layer.
2. A multi-layered patch according to claim 1 for wound healing, wherein the patch releases from 5 to 10 mg of active ingredient per cm² per hour.
3. A multi-layered patch according to claim 1 for alleviating pain, which further comprises a hydrogel layer.
4. A multi-layered patch according to claim 1 for treating wrinkles, which further comprises a hydrogel layer.
5. A multi-layered patch according to claim 1 for use as a deodorant, wherein the textile layer comprises a perfume.
6. A hydrogel for use in a multi-layered patch according to claim 4, the hydrogel comprising water, gelatine, alcohol and silver particles, wherein the content of the silver particles is 10-30 % by weight of the hydrogel.
7. A manufacturing process for a patch support structure wherein
 - a) the following layers are laid on top of each other:
 - release layer
 - adhesive layer
 - textile layer
 - melt adhesive layer
 - perforated layer,
 - b) the layers are pressed together thereby forming the structure characterized in that the structure is then cured.



(19) **European Patent Office**
 (12) **European Patent Application**
 (21) Application number: **05017347.5**
 (11) Publication number: **EP 1 634 576 A1**
 5 (22) Date of filing: **10.08.2005**
 (43) Date of publication: **15.03.2006**
 (51) Int. Cl.: **A61C15/32**
 (71) Applicant: **Fidelio SA**
 (72) Inventor: **Bet Hoven**
 10 (84) Designated Contracting states: **AT BE CH DE ES FR IT LI LU NL SE**

(54) **Wound dressing**

15 **[0001]** A wide range of wound dressings are commercially available. Most of these products are formed from several layers, including at least a skin-contacting layer and an outer backing layer.

20 **[0002]** Dressings are commonly applied as a cover for the wound. A suitable size is selected to provide a margin around the wound area which adheres to the skin. The skin-contacting layer, often referred to as the barrier layer, contains water-absorptive material, so that fluid from the wound is absorbed into the barrier layer, making it possible to keep the dressing in place for several days. Such dressings promote healing by maintaining the wound under moist conditions, and serve as a barrier against bacterial infection.

25 **[0003]** One problem of commonly used wound dressings is that, when wound fluid is absorbed locally, the central portion of the applied dressing swells and can cause blood circulation problems around the wound. Continued swelling can induce separation of the barrier layer from the skin outside of the wound area resulting in a route for the potential
 30 invasion of pathogenic microorganisms.

[0004] It is desirable that the wound dressing be removable in one piece. This facilitates changing dressings.



[0005] The wound dressing of the present invention addresses all of the above-mentioned problems by providing an assembly of a barrier hydrogel layer (21) and a backing layer (22). The backing layer (22) is formed of a thin elastic sheet, which does not easily tear, and therefore facilitates one-piece removal. The backing layer (22) is
5 larger than the barrier layer (21) and, on the surface not covered by the barrier layer (21), comprises an adhesive layer (23), which helps to attach the dressing to the skin.

[0006] The barrier hydrogel layer (21) swells as it takes up fluid from the wound area.
10 Due to the gel structure of this barrier layer (21), the fluid is evenly distributed over the whole hydrogel. Thus localized extensive swelling can be avoided and the swelling of the barrier layer (21) has little tendency to induce separation of the barrier layer from the skin. At the same time, the hydrogel acts as a reservoir and can provide the wound with the required moisture necessary for the healing process.

[0007] The wound dressing of the present invention can additionally contain a further polymeric layer containing a wound healing compound absorbed therein. This further polymeric layer can be located between the barrier hydrogel layer (21) and the backing layer (22).
15

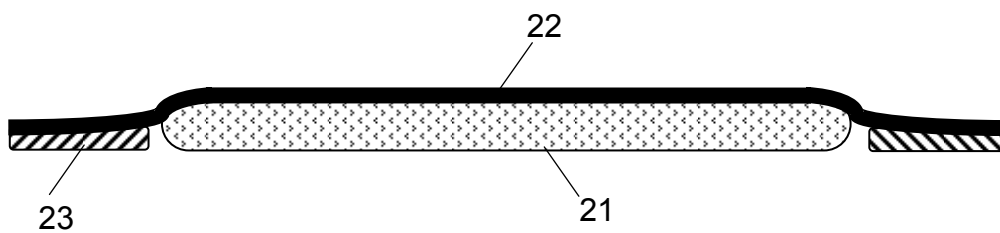
[0008] In general, an hourly dose of from 7 to 8 mg per cm² is delivered by the wound dressing. The material of the polymeric layer containing the wound healing compound and the amount of the wound healing compound present therein influence the final dose released to the skin.
20

Claims:

1. A wound dressing comprising a barrier hydrogel layer (21), a backing layer (22) and an adhesive layer (23).
25
2. Use of a barrier hydrogel layer (21), a backing layer (22) and an adhesive layer (23) for the manufacture of a dressing for improving the healing of wounds.
30



Figure



(19) **World Intellectual Property Organisation**

(12) **International Application published under the Patent Cooperation Treaty (PCT)**

(21) International Application Number: **PCT/US2002/035439**

5 (11) International Publication Number: **WO 03/039466**

(22) International Filing Date: **05.11.2002**

(43) International Publication Date: **15.05.2003**

(51) Int. Cl.: **A61Q19/08**

10 (71) Applicant (for all designated states except US): **O'Thello Corp.**

(72) Inventors; and

(75) Inventors/Applicants (for US only): **Juseppe Werdy**

(81) Designated States (national): **US, CA, CN, DE, GB, IL**

15 (54) **Cosmetic patch**

[0001] The present invention relates to a cosmetic patch for skin treatment. In particular, the patches proposed by the present invention are suitable for reducing the appearance of facial wrinkles by applying the patch to the skin.

20

[0002] Wrinkles occur on the face as a result of several factors, including the gradual loss of skin elasticity, or the loss of fat tissue in certain areas of the face as one ages. Cosmetic makeup or anti-ageing creams are often used to reduce the appearance or presence of facial wrinkles. Although wrinkles can be reduced at an early stage of skin ageing, the contact time or amount of anti-wrinkle compound is frequently not sufficient to reduce deep facial wrinkles.

25

[0003] An increased amount of active ingredient delivered to the skin usually enhances the intended effect. The present invention therefore proposes a cosmetic patch for treating wrinkles instead of commonly used creams to increase the contact time, thereby increasing the amount of active ingredient delivered.

30



[0004] The patch (30) of the present invention is composed of at least three layers wherein the anti-wrinkle compound is stored in a polymeric matrix layer constituting a depot layer (31). The depot layer (31) is attached to a fabric carrier (33) by the use of an adhesive layer (32). Several means can be used in order to attach the patch to the skin.

5 A further adhesive layer or sticky side flaps can be used, or the material of the depot layer can be self-adhesive. Moreover, a release layer can be present before the use of the patch in order to protect the depot layer (31) during packaging, transport and storage of the patch. In addition further conventional layers can be present, such as a decorative backing layer, as long as the active ingredients in the depot layer (31) can come into
10 contact with the skin.

[0005] The anti-wrinkle compound migrates to the surface of the depot layer (31) over time and is gradually absorbed by the skin. The amount of anti-wrinkle compound delivered may be increased by wearing the patch overnight.

15

[0006] In a preferred embodiment, the cosmetic patch (30) in combination with a perfume composition forms a kit. Drops of the perfume composition can be applied onto the fabric carrier (33) before applying the patch (30) to the skin in order to mask any unpleasant odour of the depot layer or simply to provide a pleasant smell.

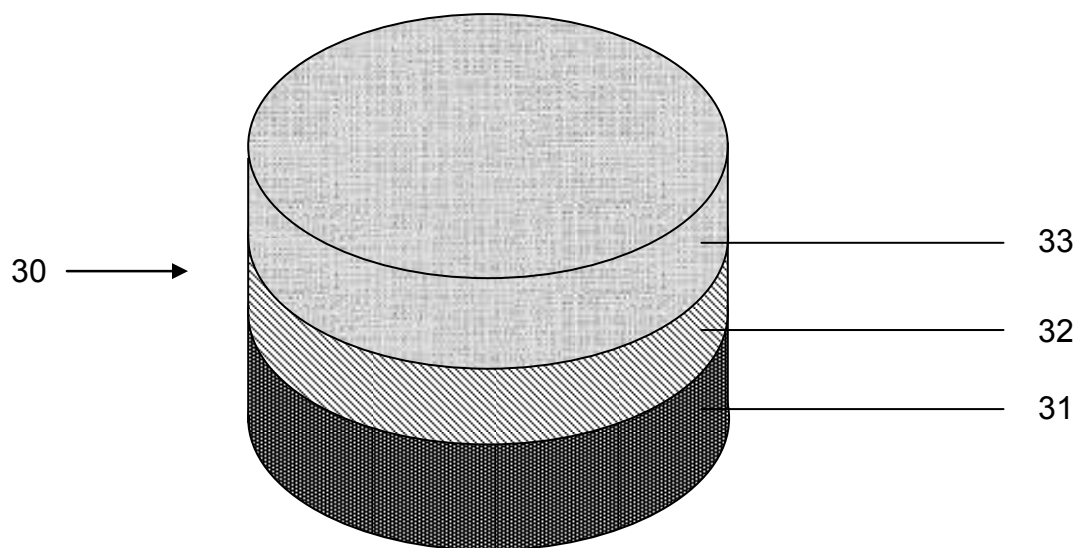
20

Claim:

A cosmetic patch (30) comprising a depot layer (31), an adhesive layer (32) and a fabric carrier (33).



Figure



(19) **World Intellectual Property Organisation**

(12) **International Application published under the Patent Cooperation Treaty (PCT)**

(21) International Application Number: **PCT/US04/006106**

5 (11) International Publication Number: **WO 2004/078123**

(22) International Filing Date: **01.03.2004**

(43) International Publication Date: **16.09.2004**

(51) Int. Cl.: **A61F13/00**

10 (71) Applicant (for all designated states except US): **Bohemian Corp.**

(72) Inventors; and

(75) Inventors/Applicants (for US only): **George Bisseh**

(81) Designated States: **US (patent)**

15 (84) Elected States: **European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR)**

20 (54) **Analgesic dressing**

[0001] Analgesia is commonly used to block the perception of pain. Analgesic agents are frequently administered by injection. However, injections are difficult for the inexperienced user to perform. Therefore, dressings containing an analgesic agent (pain
25 alleviating agent) for home use have been proposed.

[0002] There is a need for an inexpensive analgesic dressing, which is versatile and simple to use.



[0003] The present invention thus proposes an analgesic dressing comprising a storage layer (41) comprising wax capsules encapsulating an analgesic agent (42). The wax encapsulating the analgesic agent should have a melting point below 37°C so that the wax melts when the analgesic dressing of the present invention is placed onto the skin and held there by the user. In order to minimize the inconvenience of holding the patch, and to allow a fast release of the analgesic agent, the wax should have a melting point only slightly above room temperature (23°C) and melt very fast. Thus the time a person has to hold the dressing in place can be kept short.

[0004] The storage layer (41) is applied on top of a textile carrier (43) to allow easy handling. By using a textile carrier, the dressing is flexible enough to adapt its form to any body part to which the analgesic agent needs to be applied.

[0005] It is well-established for various skin care applications that a hydrogel layer improves the transport into the skin of all types of active ingredients, due to the formation of a hydrophilic bridge. Well-known hydrogels used for this purpose comprise as polymeric gelling agent starch, gelatine or agar agar.

[0006] According to the invention a hydrogel layer (44) is placed on top of the storage layer (41) in order to enhance the uptake of the analgesic agent released from the storage layer (41) into the skin.

[0007] The hydrogel layer used according to the invention comprises water, alcohol and starch in an amount sufficient to form a stable gel structure. In addition, silver particles can be added to the hydrogel in an amount of 40 to 60 g per 200 g of hydrogel.

[0008] Analgesic agents frequently have an unpleasant smell. A further advantage of the hydrogel layer (44) is that it can be perfumed to mask any malodorous smell from the analgesic ingredient. However, since the hydrogel layer (44) is in direct contact with the skin, care needs to be taken to select a skin-compatible perfume to avoid any irritation of the skin.



[0009] To protect the analgesic dressing during packaging and transport, the hydrogel layer (44) can be covered by a conventional release layer which is removed just before the use of the analgesic dressing.

5 **Claim:**

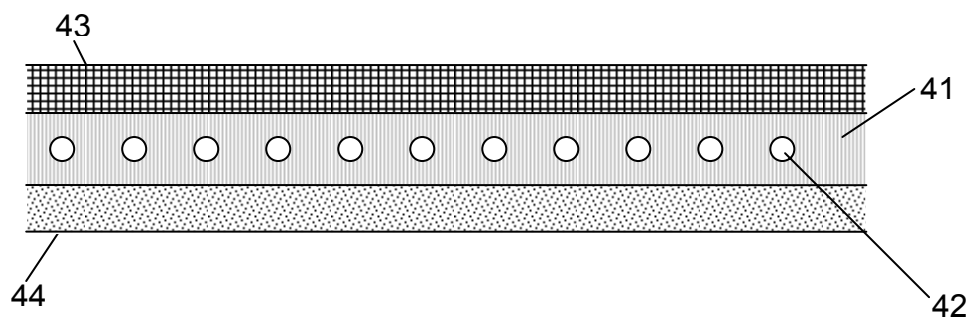
An analgesic dressing comprising:

- a) a storage layer (41) comprising a wax-encapsulated analgesic agent (42),
- b) a textile layer (43), and
- c) a hydrogel layer (44).

10



Figure



- (19) **European Patent Office**
- (12) **European Patent Application**
- (21) Application number: **06124928.0**
- (11) Publication number: **EP 1 795 174 A1**
- 5 (22) Date of filing: **28.11.2006**
- (43) Date of publication: **13.06.2007**
- (51) Int. Cl.: **A61Q15/00**
- (71) Applicant: **Toss KA**
- (72) Inventor: **Jacko Putschini**
- 10 (84) Designated Contracting states: **AT BE CH DE ES FR GB IT LU NL SE**
- (54) **Underarm Hygiene Product**

15 **[0001]** The invention relates to an underarm hygiene product in the form of a deodorant patch. The term "patch" is used in general for a product to be applied to the skin which comprises several layers such as a top adhesive sheet and a bottom carrier sheet. Depending on the intended use, patches are often also referred to as tapes, pads or dressings.

20 **[0002]** Deodorants are known for underarm hygiene purposes. Common deodorant application forms are roll-ons, aerosols and sticks. All of these dispensing containers provide sufficient quantities of deodorant material for multiple uses over several days or weeks. Deodorant patches are known, but are liable to tear when in use.

25 **[0003]** The deodorant patch of the present invention makes use of a reinforcing nonwoven fibre layer in order to provide the deodorant patch with the required tear strength.



[0004] The deodorant patch of the present invention comprises a release layer (51) which protects an adhesive layer (52) prior to the intended use. A polymeric matrix layer (53) encloses a perfume composition. The perfume is liberated during the use of the patch and thereby helps to mask any odour arising from perspiration of the user wearing the deodorant patch. The matrix layer (53) is reinforced by a nonwoven fibre layer (54) which provides the deodorant patch of the present invention with the required tear strength. A further polymeric layer (55) having holes small enough to prevent the liquid perfume from leaking is used as the outermost layer.

[0005] A further problem associated with patches is the separation of the layers during use due to movement of the user wearing the deodorant patch, e.g. during sporting activities. By adding various adhesive layers to the patch structure, the tendency of the layers to separate is reduced. However, the mere addition of further adhesive layers does not prevent this completely.

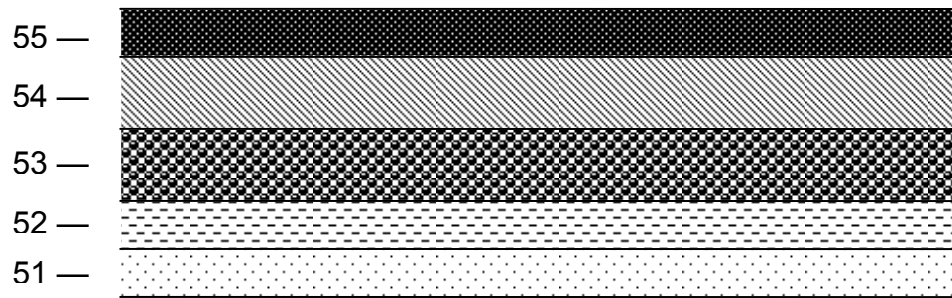
[0006] The patch of the present invention is therefore thermally treated at elevated temperature after adhering the layers together. This treatment enhances the adhesive strength of the adhesive layers and therefore avoids any separation problem irrespective of the nature of the layers present in the patch or their order.

Claim:

A patch comprising a polymeric matrix layer (53) enclosing a perfume composition for deodorising the human body characterized in that the matrix layer (53) is reinforced by a nonwoven fibre layer (54).



Figure



(19) **United States**

(12) **Patent Application Publication**

(21) Application number: **10/344,478**

(11) Publication number: **US 2003/0175335 A1**

5 (43) Publication Date: **18.09.2003**

(22) PCT filed: **21.08.2001**

(86) PCT number: **PCT/EP01/09584**

(51) Int. Cl.: **A61K8/02**

(76) Inventors: **Richie Wagner; Lohen Green**

10

(54) **Carrier structure for a patch for hiding skin imperfections**

15 [0001] It is common practice to hide skin imperfections such as facial freckles, age spots or scars by using makeup. However, if larger areas of skin need to be covered, makeup compositions have often been found to be ineffective. Moreover, makeup compositions do not protect the skin from the environment and have to be washed off in the evening. For burns or bruises this is not desirable. Washing off a composition by applying a mechanical cleaning action to injured skin may lead to discomfort and tissue damage. Moreover, a makeup composition may not achieve the desired coverage of the skin damage.

20

[0002] The present invention therefore proposes an adhesive patch which renders skin imperfections less visible.

25 [0003] Patches are commonly used in cosmetic and therapeutic applications. Patches are normally fixed to the skin either by separate adhesive strips, adhesive flaps attached to the patch, an adhesive layer facing the skin or simply by the user holding the patch to the skin for a predetermined time. Most conveniently for the user, a patch is generally attached to the skin by the use of an adhesive layer.



[0004] The adhesive patch of the present invention comprises a laminated carrier structure and a decorative layer (66). The laminated carrier structure comprises an inner textile carrier (63) which is first coated on one surface with a skin compatible adhesive layer (62). The adhesive layer (62) is then protected with a release layer (61) which is removed before use of the patch. The adhesive (62) is used to attach the patch to the skin. On the opposite surface of the textile carrier (63) a perforated layer (65) is attached using a melt adhesive layer (64).

[0005] The perforated layer (65) is covered by said decorative layer (66), i.e. a paper or polymer layer, which is coloured and textured to resemble skin.

[0006] By matching the colour of the decorative layer (66) to the various possible skin tones, the patches of the present invention can be used to hide skin imperfections.

[0007] The textile layer forming the carrier (63) provides the necessary mechanical stability to prevent tearing. This effect of textile layers in patches in general is well-known. In addition, in the patch of the present invention this layer protects the skin from the environment, in particular also from mechanical impact.

[0008] Due to the presence of the perforated layer (65) the skin can not only breathe, but is also protected to a certain extent from liquids.

[0009] The present invention is partly based on the finding that the textile layer in addition provides flexibility.



[0010] The arrangement of layers (61-65) proposed by the present invention is well-suited not only to carry a decorative layer (66) for concealing purposes, but can also be used in combination with any other commonly used layer. Thereby the other layer can be applied either on top of the perforated layer (65) instead of the decorative layer (66),
5 or can be attached to the skin compatible adhesive layer (62). The latter option can only be realised if the further layer is skin compatible, such as in the case of a hydrogel layer.

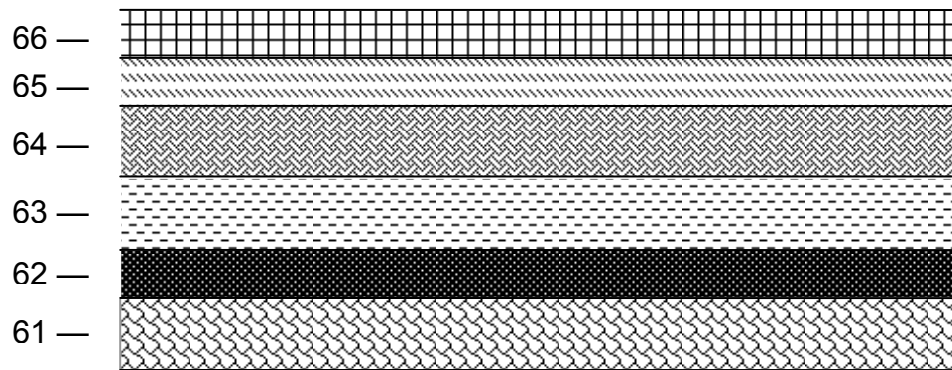
[0011] A further advantage of the present invention lies in the fact that the laminated carrier structure comprising layers (61-65) can be manufactured by a cheap and
10 versatile method, since the layers (61-65) are simply placed on top of each other in the order of their numbering and pressed together. Due to the adhesive layers, the laminated carrier structure does not fall apart.

Claims:

- 15
1. A laminated carrier structure comprising a release layer (61), an adhesive layer (62), a textile layer (63), a melt adhesive layer (64) and a perforated layer (65).
 - 20 2. A patch comprising a laminated carrier structure according to claim 1.



Figure



Notes to the notice of opposition (EPO Form 2300)

Although the opposition form is not mandatory for the purpose of filing a notice of opposition, it specifies all the information required for such a notice to be admissible and hence facilitates the formulation and processing of the opposition. In stating and explaining the grounds for opposition, the opponent is free to comment as he wishes.

Explanatory notes to the various sections:

I. Patent opposed

Under **Patent No.** the number of the European patent against which opposition is filed (Rule 76(2)(b) EPC) must be given.

If known, the **application number and the date on which the Patent Bulletin mentions the grant** (Art. 97(3) EPC) should also be given. The latter makes it easier to monitor compliance with the opposition period.

The **title of the invention** must be given (Rule 76(2)(b) EPC); it should be indicated **as shown on the cover page of the printed patent specification** under item 54.

II. Proprietor of the patent

Where there are **several** patent proprietors, it is sufficient for the proprietor first named in the patent specification (under item 74) to be given.

III. Opponent

The **name, address and nationality** of the opponent and the **state** in which his residence or principal place of business is located must be given, in accordance with Rule 41(2)(c) EPC (Rule 76(2)(a) EPC). If the identity of the opponent has not been established by expiry of the opposition period, such deficiency can no longer be remedied (decision of the Technical Board of Appeal T 25/85, OJ EPO 1986, 81).

IV. Authorisation

If the opponent has appointed a **representative**, his name and the address of his place of business must be given, in accordance with Rule 41(2)(c) EPC (Rule 76(2)(d) EPC). If **several** professional representatives are appointed, only one representative to whom notification is to be made should be named. Any further representatives must be named in an annex (please put a cross in the appropriate box). In the case of an association of representatives, only the name and address of the association must be entered (see Rule 143(1)(h)).

An opponent who has neither a residence nor his principal place of business within the territory of one

of the EPC contracting states must be represented and act through his representative (Art. 133(2) EPC). Professional representation before the EPO may only be undertaken by professional representatives (Art. 134(1) EPC) or legal practitioners entitled to act as professional representatives (Art. 134(8) EPC).

Natural or legal persons having their residence or principal place of business within the territory of one of the EPC Contracting States may also be represented in opposition proceedings by an **employee**, who must, however, be authorised (Art. 133(3), first sentence, EPC). In this case notification will be made to the opponent (not the employee) unless a professional representative has also been authorised.

To avoid delaying the proceedings, any authorisation which has to be filed should if possible be enclosed with the opposition. Under Rule 152(1) EPC in conjunction with the decision of the President of the EPO dated 12 July 2007, listed professional representatives identifying themselves as such normally no longer need to file signed authorisations (cf. Special edition No. 3, OJ EPO 2007, L.1.). These are, however, required from legal practitioners and employees who are not professional representatives and are acting for the opponent under Articles 134(8) and 133(3), first sentence, EPC respectively. If they do not file an authorisation, the EPO will ask them to do so within a specified period. Failure to comply will result in any procedural steps performed by the practitioner or employee being deemed not to have been taken (Rule 152(6) EPC) – which means that the notice of opposition will be considered not to have been filed.

V. Statement of the extent to which the patent is opposed

The notice of opposition must contain a statement of the extent to which the European patent is opposed (Rule 76(2)(c) EPC). If the opposition is not filed against the patent as a whole (place a cross in the appropriate box), the number(s) of the claims (as in the patent specification) which the opponent considers to be affected by one or more of the grounds for opposition must be given.

VI. Grounds for opposition

The alleged grounds for opposition (Art. 100 EPC) must be indicated by a cross in the appropriate box(es).

Under the heading of non-patentability (Art. 100(a) EPC) the most frequently cited grounds for opposition are lack of novelty and lack of inventive step, for which separate boxes are provided. The form

otherwise gives the opponent ample scope for indicating other possible grounds for opposition. Under the heading “other grounds” the following Articles may be cited in the box provided: 52(1) and 57; 52(2); 53(a); 53(b); 53(c) EPC.

A full list of grounds for opposition is given in Article 100 EPC. The following in particular are not admissible grounds: lack of unity of invention (Art. 82 EPC), lack of clarity in the claims (Art. 84 EPC) and prior national rights (Art. 139(2) EPC).

For general information on grounds for opposition see Guidelines for Examination in the EPO, D-III, 5.

VII. Facts and arguments presented in support of the opposition

The notice of opposition must contain an indication of the facts and evidence presented in support of the opposition (Rule 76(2)(c) EPC) and, where documents are cited, an indication of the relevant part(s) (Guidelines D-IV, 1.2.2.1).

The facts, with the relevant arguments and evidence, in support of the opposition must be presented on a separate sheet enclosed as an annex to the Form (indicated by a pre-printed cross in the box).

The fact that the evidence is listed separately in Section IX does not anticipate the presentation of facts, evidence and arguments but merely makes for greater clarity and simplifies processing of the dossier. Section IX of the Form (Evidence presented) may of course always be referred to in this presentation.

Where documents are cited in shortened form, the rules set out in the Guidelines B-X, 9.1 should be followed.

VIII. Other requests

This section may be used for example to request oral proceedings or a file inspection.

IX. Evidence

Published documents cited as evidence (e.g. patent specifications) must be entered under “Publications” in the spaces provided – preferably in order of importance. They should be cited in the manner described in Guidelines B-X, 9.1.

Opponents should also indicate the parts of the document on which the opposition is based (this information has to be given anyway in the statement of facts and arguments – see notes to Section VII above).

Other evidence (e.g. witnesses, affidavits, company brochures, test or expert reports) must be cited under “Other evidence” (for public prior use: place, time, nature – see Guidelines D-V, 3.1.2; D-IV, 1.2.2.1(v); for witnesses: first name and last name, full address, relationship to opponent, etc.). If there is not enough

room, the evidence can simply be listed, with an indication of where in the statement of grounds the relevant particulars appear (e.g. “Witness ..., page 5”).

Documents cited by a party to opposition proceedings must be filed (including publications already cited in the European patent specification) with the notice of opposition or other written submission. This will avoid an invitation from the EPO for subsequent filing thereof. If they are neither enclosed nor filed in due time on invitation, the EPO may ignore any arguments based on them (Rule 83 EPC).

X. Payment of opposition fee

The opposition fee must be paid within the opposition period. Notice of opposition is not deemed to have been filed until the opposition fee has been paid (Art. 99(1) EPC). With regard to what constitutes the date to be considered as the date on which payment is made, see Article 7 of the Rules relating to Fees and the guidance on payment methods in the Official Journal.

XI. List of documents enclosed

Please indicate which documents are enclosed by crossing the relevant box.

XII. Signature

If the opponent is a legal person and the notice of opposition is not signed by the representative, it must be signed:

- (a) either by a person entitled to sign under the law or the opponent’s statute, articles of association or the like, with an **indication of the capacity of the person doing so**, e.g. Geschäftsführer, Prokurist, Handlungsbevollmächtigter; chairman, director, company secretary; directeur, fondé de pouvoir (Art. 133(1) EPC), in which case no authorisation need be filed;
- (b) or by another employee of the opponent, provided the latter’s principal place of business is in a contracting state (Art. 133(3), first sentence; Rule 152(1) EPC), in which case an authorisation must be filed.

Notice of opposition to a European patent

I. Patent opposed

Patent No.

Application No.

Date of mention of the grant in the European Patent Bulletin (Art. 97(3), Art. 99(1) EPC)

Title of the invention

II. Proprietor of the patent

first named in the patent specification

Opponent's or representative's reference
(max. 15 keystrokes)

III. Opponent

Name

Address

State of residence or of principal place of business

Nationality

Telephone/Fax

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Multiple opponents
(see additional sheet)

☐

IV. Authorisation

1. Representative

(name only one representative or name of association of representatives to whom notification is to be made)

Address of place of business

Telephone/Fax

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Additional representative(s)
on additional sheet/see authorisation

☐

Opponent's reference

2. Name(s) of employee(s) of the opponent authorised to act in these opposition proceedings under Art. 133(3) EPC

Authorisation(s) to 1./2. ☐ not considered necessary

☐ has/have been registered under No.

☐ is/are enclosed

V. Opposition is filed against

• the patent as a whole

• claim(s) No(s).

VI. Grounds for opposition:

Opposition is based on the following grounds:

(a) the subject-matter of the European patent opposed is not patentable (Art. 100(a) EPC) because:

• it is not new (Art. 52(1); Art. 54 EPC)

• it does not involve an inventive step (Art. 52(1); Art. 56 EPC)

• patentability is excluded on other grounds, i.e. Article

Art.

(b) the patent opposed does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art (Art. 100(b) EPC; see Art. 83 EPC).

(c) the subject-matter of the patent opposed extends beyond the content of the application/of the earlier application as filed (Art. 100(c) EPC, see Art. 123(2) EPC).

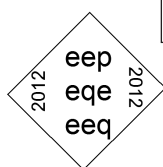
VII. Facts (Rule 76(2)(c) EPC)

presented in support of the opposition are submitted herewith on a separate sheet (annex 1)

☒

VIII. Other requests:

Opponent's reference



IX. Evidence presented

Evidence is enclosed ☐
will be filed at a later date ☐

A. Publications:

1

Particular relevance (page, column, line, fig.):

2

Particular relevance (page, column, line, fig.):

3

Particular relevance (page, column, line, fig.):

4

Particular relevance (page, column, line, fig.):

5

Particular relevance (page, column, line, fig.):

6

Particular relevance (page, column, line, fig.):

Continued on additional sheet

☐

B. Other evidence

Continued on additional sheet

☐

Opponent's reference



X. Payment of the opposition fee is made

- as indicated in the enclosed voucher for payment of fees and costs (EPO Form 1010) ☐
- via EPO Online Services ☐

XI. List of documents

Enclosure No.

- | | | |
|---|---|-------------------------------------|
| 0 | Form for notice of opposition | ☒ |
| 1 | Facts (see VII.) | ☒ |
| 2 | Copies of documents presented as evidence (see IX.) | |
| a | Publications | ☐ |
| b | Other documents | ☐ |
| 3 | Signed authorisation(s) (see IV.) | ☐ |
| 4 | Voucher for payment of fees and costs (see X.) | ☐ |
| 5 | Additional sheet(s) | ☐ |
| 6 | Other | ☐ |

Number
of sheets

Please specify here:

XII. Signature of opponent or representative

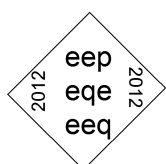
Place

Date

Signature

Name (block capitals)

In case of legal persons, signatory's position
within company



Opponent's reference

