

COUNCIL REGULATION (EEC) NO. 1768/92

IN THE MATTER OF Application No. SPC/GB/98/010
in the name of H. Lundbeck A/S

DECISION

- 1 An application for the grant of a supplementary protection certificate (“SPC”) for the product sertindole was submitted on 12 February 1998 by H Lundbeck A/S (“the applicant”). In an examination report dated 4 June 1998 the examiner objected that the application did not comply with Article 3(c) of Council Regulation (EEC) No. 1768/92 (“the Regulation”) because sertindole had already been the subject of certificate SPC/GB/96/050. The earlier certificate had been granted on 14 March 1997 before the application was filed. The applicant’s agent responded to the objection in a letter dated 13 January 1999. The examiner’s reply to this letter maintained the original objection and requested a response by the 14 June 1999. When no response was received a further letter dated 16 July 1999 was sent warning that in the absence of a reply, the comptroller would decide if the application should be rejected under Article 10(2) of the Regulation. By 29 April 2002 no response to the examiner’s letter dated 16 July 1999 had been received. Therefore the examiner issued a further letter on 29 April 2002 informing the applicant that no response to the letter of 16 July 1999 had been received and that a hearing officer acting for the comptroller would now decide the outstanding matter. This letter also gave the applicant an opportunity to be heard in this matter. The applicant did not respond to this last letter and the specified period for response has now expired. I have considered this application for an SPC and agree with the examiner that it does not comply with Article 3(c) of the Regulation.
- 2 I therefore order that the application be rejected.
- 3 This being a decision other than on a matter of procedure, the period within which any appeal shall be filed is six weeks from the date of this decision.

Dated this day of July 2002.

R J Walker
Deputy Director,
acting for the comptroller

THE PATENT OFFICE