

Council Regulation (EEC) No 1768/92

IN THE MATTER OF Application no. SPC/GB97/007
for a Supplementary Protection Certificate in the name of
Merck & Co., Inc.

An Official letter dated 25 May 1997 raised the objection that the above application for a Supplementary Protection Certificate did not appear to meet the requirement of Article 3(c) of Council Regulation (EEC) No. 1768/92.

Following a stay of proceedings to allow for a Court decision on another SPC application to be considered, and a number of extensions of time for reply being granted, an Official letter dated 4 September 1998 was sent informing the applicants that rejection under Article 10(2) might be necessary. A hearing was offered in the same Official letter. The applicants did not submit any observations giving reasons why the application should not be rejected, neither did they ask to be heard.

In the absence of any argument to the contrary. I am satisfied that the conditions of Article 3(c) are not met. I therefore order that the application be rejected.

The period for appeal against this decision is 6 weeks.

Dated this 24th day of December 1998

Mr D L Wood
Superintending Examiner
acting for the Comptroller

PATENT OFFICE