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D E C I S I O N
of 25 August 2000

Case Number: T 0129/00 - 3.3.4

Application Number: 90911467.0

Publication Number: 0486526

IPC: C12P 21/08

Language of the proceedings: EN

Title of invention:

Tumour Necrosis Factor Binding Ligands

Patentee:

Peptech Limited

Opponent:

BASF Aktiengesellschaft

Headword:

-

Relevant legal provisions:

EPC Art. 108, 122

Keyword:

"Re-establishment of rights (request withdrawn)"

Decisions cited:

-

Catchword:

-



Case Number: T 0129/00 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 25 August 2000

Appellant: BASF Aktiengesellschaft
(Opponent) D-67056 Ludwigshafen (DE)

Representative: -

Respondent: Peptech Limited
(Proprietor of the patent) 4-10 Inman Road
Dee Why, NSW 2099 (AU)

Representative: Sheard, Andrew Gregory
Kilburn & Strode
20 Red Lion Street
London WC1R 4PJ (GB)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 25 November
1999 concerning maintenance of European patent
No. 0 486 526 in amended form.

Composition of the Board:

Chairman: U. M. Kinkeldey
Members: R. T. Menapace
F. L. Davison-Brunel

Summary of Facts and Submissions

I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office posted on 25 November 1999 and concerning maintenance of the European patent No. 0 486 526 in amended form.

The Appellant (Opponent) filed a Notice of Appeal by letter received on 28 January 2000 and paid the fee for appeal on the same day. The Statement of Grounds was filed on 29 May 2000.

II. By a communication dated 2 June 2000, the Registrar of the Board informed the Appellant that the Statement of Grounds has not been filed in due time and that the appeal could be expected to be rejected as inadmissible. The Appellant was informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

III. On 5 June 2000 the Appellant filed a request for re-establishment of rights and paid the fee on the same date.

IV. By letter dated 25 August 2000 the Appellant withdrew his request for re-establishment of rights.

Reasons for the Decision

As the written statement setting out the grounds of appeal has not been filed in due time and the request for re-establishment of rights has been withdrawn, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction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 Chairwoman:

M. Kiehl

U. Kinkeldey