

**Internal distribution code:**

- (A) [ ] Publication in OJ  
(B) [ ] To Chairmen and Members  
(C) [X] To Chairmen

**D E C I S I O N**  
**of 31 May 2001**

**Case Number:** T 0965/00 - 3.3.4

**Application Number:** 91907853.5

**Publication Number:** 0528820

**IPC:** G07K 7/06

**Language of the proceedings:** EN

**Title of invention:**

Methods and compositions for the indentification,  
characterization and inhibition of farnesyl protein transferase

**Patentee:**

THE UNIVERSITY OF TEXAS SYSTEM

**Opponent:**

Bristol-Myers Squibb Company

**Headword:**

Farnesyl Protein Transferase/TEXAS SYSTEM

**Relevant legal provisions:**

EPC Art. 108  
EPC Rule 65(1)

**Keyword:**

-

**Decisions cited:**

-

**Catchword:**

-





Case Number: T 0965/00 - 3.3.4

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.4  
of 31 May 2001

**Appellant:** Bristol-Myers Squibb Company  
(Opponent) PO Box 4000  
Princeton, New Jersey 08542-4000 (US)

**Representative:** Bizley, Richard Edward  
Hepworth, Lawrence, Bryer & Bizley  
Merlin House  
Falconry Court  
Baker's Lane  
Epping  
Essex CM16 5DQ (GB)

**Respondent:** THE UNIVERSITY OF TEXAS SYSTEM  
(Proprietor of the patent) 201 West 7th Street  
Austin  
Texas 78701-2981 (GB)

**Representative:** Dost, Wolfgang, Dr.rer.nat., Dipl.-Chem.  
Patent- und Rechtsanwälte  
Bardehle - Pagenberg - Dost - Altenburg -  
Geissler - Isenbruck  
Galileiplatz 1  
D-81679 München (DE)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 13 July 2000  
concerning maintenance of European patent  
No. 0 528 820 in amended form.

**Composition of the Board:**

**Chairman:** U. M. Kinkeldey  
**Members:** R. E. Gramaglia  
S. U. Hoffmann

## **Summary of Facts and Submissions**

I. The appeal contests the interlocutory decision of the opposition division of the European Patent Office posted on 13 July 2000, by which European patent No. 0 528 820 was maintained in amended form.

The appellant (opponent) filed a notice of appeal by telex and facsimile both received on 22 September 2000 and paid the fee for appeal on the same date. No statement of grounds of appeal was filed. The notice of appeal contains nothing that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC.

II. By a communication dated 26 March 2001, sent by registered letter with advice of delivery, the registry of the board informed the appellant that no statement of grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

III. No answer has been given to the Registry's communication.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has

been filed, the appeal has to be rejected as inadmissible (Rule 65(1) EPC in conjunction with Article 108 EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairwoman:

U. Bultmann

U. M. Kinkeldey