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D E C I S I O N
of 28 February 2001

Case Number: T 1061/00 - 3.3.1

Application Number: 92908027.3

Publication Number: 0575482

IPC: C07D 411/04

Language of the proceedings: EN

Title of invention:

Antiviral activity and resolution of 2-hydroxymethyl-5-(5-fluorocytosin-1-YL)-1,3-oxathiolane

Applicant:

EMORY UNIVERSITY

Opponent:

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Headword:

Fluorocytosin/EMORY

Relevant legal provisions:

EPC Art. 108
EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



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Boards of Appeal

Chambres de recours

Case Number: T 1061/00 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 28 February 2001

Appellant: EMORY UNIVERSITY
1364 Clifton Road, N.E.
Box M-11
Atlanta GA 30322 (US)

Representative: Hallybone, Huw George
Carpmaels & Ransford
43 Bloomsbury Square
London, WC1A 2RA (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 3 February 2000
refusing European patent application
No. 92 908 027.3 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. J. Nuss
Members: R. Freimuth
J. P. B. Seitz

Summary of Facts and Submissions

I. The appeal contests the decision of the Examining Division of the European Patent Office dispatched by registered letter with advice of delivery to the Applicant on 3 February 2000, refusing the patent application No. 0 575 482.

The Appellant filed a Notice of Appeal by letter received on 13 April 2000 and paid the fee for appeal on the same date. No Statement of Grounds was filed. The Notice of Appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

II. By a communication dated 14 November 2000, sent by registered post, the Registrar 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 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. No answer has been given within the given time limit 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 (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 Chairman:

N. Maslin

A. Nuss