

Internal distribution code:

- (A) [] Publication in OJ
(B) [] To Chairmen and Members
(C) [] To Chairmen
(D) [X] No distribution

D E C I S I O N
of 29 November 2001

Case Number: T 0163/01 - 3.3.4

Application Number: 89909028.6

Publication Number: 0427767

IPC: A61K 39/15

Language of the proceedings: EN

Title of invention:
Vaccine

Patentee:
Vericore Limited

Opponent:
Pfizer, Inc.

Headword:
Vaccine/VERICORE

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing statements of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0163/01 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 29 November 2001

Appellant: Pfizer, Inc.
(Opponent) 235 East 42nd Street
New York, N.Y. 10017 (US)

Representative: Lederer, Franz, Dr.
Lederer, Keller & Riederer
Patentanwälte
Prinzregentenstrasse 16
D-80538 München (DE)

Respondent: Vericore Limited
(Proprietor of the patent) New Cambridge House
Bassingbourn Road
Litlington
Royston
Hertfordshire SG8 OSS (GB)

Representative: Miles, John Stephen
Eric Potter Clarkson
Park View House
58 The Ropewalk
Nottingham NG1 5DD (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 5 December 2000
rejecting the opposition filed against European
patent No. 0 427 767 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: U. M. Kinkeldey
Members: L. Galligani
S. U. Hoffmann

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 5 December 2000, rejecting the opposition pursuant to Article 102(2) EPC.
- II. The Appellant filed a notice of appeal by letter received on 5 February 2001 and paid the fee for appeal on the same day. 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.
- III. By a communication dated 24 August 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.
- IV. 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 Chairwoman:

P. Cremona

U. M. Kinkeldey