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D E C I S I O N
of 30 November 2001

Case Number: T 0485/01 - 3.3.4

Application Number: 89907594.9

Publication Number: 0419569

IPC: A61K 38/00

Language of the proceedings: EN

Title of invention:
Stress proteins and uses therefor

Patentee:
WHITEHEAD INSTITUTE FOR BIOMEDICAL RESEARCH, et al

Opponents:
IAF Bio Vac Inc.
ANTIGENICS LLC

Headword:
Stress proteins/WHITEHEAD

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

Keyword:
"Missing statements of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0485/01 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 30 November 2001

Appellant: WHITEHEAD INSTITUTE FOR BIOMEDICAL RESEARCH
(Proprietor of the patent) Nine Cambridge Center
Cambridge, MA 02142 (US)

Representative: Price, Vincent Andrew
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Surrey RH6 7BN (GB)

Respondent: IAF Bio Vac Inc.
(Opponent 01) 525 Des Prairies Blvd.
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Representative: Ritter, Stephen David
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London WC1X 8AL (GB)

Respondent: ANTIGENICS LLC
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Representative: Silveston, Judith
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 1 March 2001
revoking European patent No. 0 419 569 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: U. M. Kinkeldey
Members: L. Galligani
S. C. Perryman

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 1 March 2001 revoking the European patent No. 0 419 569.

The Appellant (patent proprietor) filed a notice of appeal by letter dated 1 May 2001 and paid the fee for appeal on the same date.

No statement setting out the grounds of appeal was filed, and 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 29 August 2001, the Registry of the Board informed the Appellant that no statement setting out the grounds of appeal 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.

Attention was also drawn to 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

P. Cremona

U. Kinkeldey