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D E C I S I O N
of 17 April 2002

Case Number: T 0844/01 - 3.3.4

Application Number: 87904286.9

Publication Number: 0274489

IPC: C12N 15/00

Language of the proceedings: EN

Title of invention:
Peptide production

Patentee:
PPL (Holdings) Limited

Opponent:
Pharming Group NV

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0844/01 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 17 April 2002

Appellant: Pharming Group NV
(Opponent) Niels Bohrweg 11-13
NL-2333 CA Leiden (NL)

Representative: Williams, Richard Andrew Norman
Hepworth Lawrence Bryer & Bizley
Merlin House
Falconry Court
Bakers Lane
Epping, Essex CM16 5DQ (GB)

Respondent: PLL (Holdings) Limited
(Proprietor of the patent) 64 Queen Street
London EC4R 1HB (GB)

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

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 15 May 2001
rejecting the opposition filed against European
patent No. 0 274 489 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairwoman: U. M. Kinkeldey
Members: A. L. L. Marie
V. Di Cerbo

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 15 May 2001, rejecting the opposition pursuant to Article 102(2) EPC.

- II. The Appellant filed a notice of appeal by Facsimile received on 24 July 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 3 December 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