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**D E C I S I O N**  
**of 18 December 2002**

**Case Number:** T 0913/02 - 3.4.1

**Application Number:** 98938676.8

**Publication Number:** 0993318

**IPC:** A61N 1/32

**Language of the proceedings:** EN

**Title of invention:**

Device for optimized electrotransfer of nucleic acid vectors  
to tissues in vivo

**Applicant:**

Aventis Pharma., et al

**Opponent:**

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**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108, R. 65(1)

**Keyword:**

"No statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0913/02 - 3.4.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.1  
of 18 December 2002

**Appellant:** Aventis Pharma S.A.  
20, avenue Raymond Aron  
F-92160 Antony (FR)

**Representative:** Bouvet, Philippe  
Aventis Pharma S.A.  
20, avenue Raymond Aron  
F-92165 Antony Cedex (FR)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 22 march 2002  
refusing European patent application  
No. 98 938 676.8 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** G. Davies  
**Members:** M. G. L. Rognoni  
R. Q. Bekkering

## **Summary of Facts and Submissions**

1. The appeal contests the decision of the Examining Division of the European Patent Office dated 22 March 2002 refusing the European patent application No. 98 938 676.8. The appellant filed a notice of appeal by a letter received on 23 May 2002 and paid the fee on the same day. 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.
2. By a communication dated 4 October 2002 sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no Statement of Grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.
3. 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 (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:

R. Schumacher

G. Davies