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**D E C I S I O N**  
**of 5 October 2004**

**Case Number:** T 0732/04 - 3.3.8

**Application Number:** 92303826.9

**Publication Number:** 0512733

**IPC:** C12N 15/12

**Language of the proceedings:** EN

**Title of invention:**  
Modified complement system regulator

**Applicant:**  
WASHINGTON UNIVERSITY

**Opponent:**  
-

**Headword:**  
Complement system/WASHINGTON UNIVERSITY

**Relevant legal provisions:**  
EPC Art. 108, 122  
EPC R. 65(1)

**Keyword:**  
"Missing statement of grounds of appeal"  
"Appeal inadmissible (yes)"

**Decisions cited:**  
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**Catchword:**  
-



Case Number: T 0732/04 - 3.3.8

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.8  
of 5 October 2004

**Appellant:** WASHINGTON UNIVERSITY  
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1 Brookings Drive  
St. Louis,  
Missouri 63130-4899 (US)

**Representative:** Kindler, Matthias, Dr  
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**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 29 December 2003  
refusing European application No. 92303826.9  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** L. Galligani  
**Members:** T. J. H. Mennessier  
C. Rennie-Smith

## **Summary of Facts and Submissions**

- I. The applicant (appellant) filed on 19 February 2004 a notice of appeal against the decision of the examining division dated 29 December 2003 whereby the European Patent application No. 92 303 826.9 (published as EP-A-0 512 733) entitled "Modified complement system regulator" was refused under Article 97(1) EPC for grounds of lack of unity (Article 82 EPC). The appeal fee was paid on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 15 July 2004 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 therefore the appeal had 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. The appellant did not reply to said communication. Nor was a request for re-establishment of rights filed within the prescribed time limit.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108 EPC, 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:

A. Wolinski

L. Galligani