

Internal distribution code:

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

D E C I S I O N
of 13 September 2005

Case Number: T 0053/05 - 3.2.2

Application Number: 92914172.9

Publication Number: 0591385

IPC: A61F 2/06

Language of the proceedings: EN

Title of invention:

Treatment of diseases by site-specific instillation of cells
or site-specific transformation of cells and kits therefor

Patentee:

The Regents of the University of Michigan

Opponent:

TRANSGENE S.A.

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0053/05 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 13 September 2005

Appellant: The Regents of the University of Michigan
(Proprietor of the patent) 3003 S. State Street Wolverine Tower
Room 2071
Ann Arbor, Michigan 48109-1280 (US)

Representative: Adams, Harvey Vaughan John
Mathys & Squire 120 Holborn
London EC1N 2SQ (GB)

Respondent: TRANSGENE S.A.
(Opponent) 11 rue de Molsheim
F-67082 Strasbourg Cedex (FR)

Representative: Warcoin, Jacques
Cabinet Régimbeau
20, rue de Chazelles
F-75847 Paris cedex 17 (FR)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
29 October 2004 concerning maintenance of
European patent No. 0591385 in amended form.

Composition of the Board:

Chairman: T. Kriner
Members: M. Noël
E. Dufrasne

Summary of Facts and Submissions

I. The appeal is against the decision of the Opposition Division of the European Patent Office sent by letter dated 29 October 2004, maintaining the European patent No. 0 591 385 in amended form.

The Appellant (Proprietor) filed a Notice of Appeal on 27 December 2004 and paid the fee for appeal on the same date.

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.

II. By a communication dated 12 April 2005 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 and attention was drawn to Article 122 EPC (re-establishment of rights).

III. No answer to the Registry's communication has been received.

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:

V. Commare

T. Kriner