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**D E C I S I O N**  
**of 20 September 2005**

**Case Number:** T 0706/05 - 3.3.08

**Application Number:** 01920923.8

**Publication Number:** 1268786

**IPC:** C12N

**Language of the proceedings:** EN

**Title of invention:**

Inhibition of thrombosis by treatment with P-selection antagonists

**Applicant:**

Genetics Institute, LLC

**Opponent:**

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**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0706/05 - 3.3.08

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.08  
of 20 September 2005

**Appellant:** Genetics Institute, LLC  
87 Cambridge Park Drive  
Cambridge, MA 02140 (US)

**Representative:** Vossius & Partner  
Siebertstrasse 4  
D-81675 München (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 20 December 2004  
refusing European application No. 01920923.8  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** L. Galligani  
**Members:** F. Davison-Brunel  
M. B. Günzel

## **Summary of Facts and Submissions**

I. The applicant (appellant) filed on 28 February 2005 a notice of appeal against the decision of the examining division dated 20 December 2004, whereby the European patent application No. 01 920 923.8 (published as International application No. WO 01/75107) entitled "Inhibition of thrombosis by treatment with P-selectin antagonists" was refused pursuant to Article 97(1) EPC.

The appeal fee was paid on 28 February 2005. No statement of grounds of appeal was filed.

II. By a communication dated 16 June 2005 sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months. Attention was also drawn to Article 122 EPC. The appellant did not reply to said communication, and no request for re-establishment of rights was filed.

## **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 any statements that could be regarded as a statement of grounds of appeal pursuant 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