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**Datasheet for the decision  
of 22 December 2006**

**Case Number:** T 0825/06 - 3.3.04

**Application Number:** 98936641.4

**Publication Number:** 0994716

**IPC:** A61P 7/00

**Language of the proceedings:** EN

**Title of invention:**

Maternal immune secretions and their use in the treatment  
and/or prophylaxis of conditions of the human body

**Patentee:**

Westgate Biological Limited

**Opponent:**

Numico Research B.V.

**Headword:**

Maternal immune secretions/WESTGATE

**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 0825/06 - 3.3.04

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.04  
of 22 December 2006

**Appellant:** Numico Research B.V.  
(Opponent) Postbus 7005  
NL-6700 CA Wageningen (NL)

**Representative:** Meekel, Arthur Augustinus P.  
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P.O. Box 29720  
NL-2502 LS Den Haag (NL)

**Respondent:** Westgate Biological Limited  
(Patent Proprietor) Westgate  
Lough Eske  
Donegal Town  
Co. Donegal (IE)

**Representative:** Duffy, Assumpta Dympna  
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27 Clyde Road  
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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
6 March 2006 concerning maintenance of the  
European patent No. 0994716 in amended form.

**Composition of the Board:**

**Chair:** R. Moufang  
**Members:** G. Alt  
R. Gramaglia

## **Summary of Facts and Submissions**

- I. The appeal concerns the interlocutory decision of the opposition division of the European Patent Office posted on 6 March 2006 according to which the European patent No. 0 994 716 in amended form complies with the requirements of the EPC.
- II. The appellant (opponent) filed a notice of appeal on 16 May 2006 and paid the fee for appeal on the same day.
- III. No statement of grounds was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
- IV. By communication dated 31 August 2006 and 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. Attention was also drawn to Article 122 EPC.
- V. The appellant did not file any observation within the time limit of two months and did not submit any further request.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal had been filed, the appeal has to be rejected as inadmissible (Rule 65(1) EPC in conjunction with Article 108 EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

Registrar

Chair

P. Cremona

R. Moufang