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**Datasheet for the decision
of 4 December 2006**

Case Number: T 1275/06 - 3.3.08

Application Number: 99909534.2

Publication Number: 1062332

IPC: C12N 15/12

Language of the proceedings: EN

Title of invention:

Human receptor proteins; related reagents and methods

Applicant:

SCHERING CORPORATION

Opponent:

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Headword:

Receptor proteins/SCHERING

Relevant legal provisions:

EPC Art. 108

EPC R. 56(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1275/06 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 4 December 2006

Appellant: SCHERING CORPORATION
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530 (US)

Representative: von Menges, Albrecht
Uexküll & Stolberg
Patentanwälte
Beselerstrasse 4
D-22607 Hamburg (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 6 February 2006
refusing European application No. 99909534.2
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 10 April 2006 a notice of appeal against the decision of the examining division dated 6 February 2006 whereby the European Patent application No. 99 909 534.2 (published as EP-A-1 062332) entitled "Human receptor proteins; related reagents and methods" was refused under Article 97(1) EPC due to an amendment extending beyond the content of the application as filed contravening Article 123(2) EPC, due to the lack of inventive step as required by Article 56 EPC, and due to the lack of industrial applicability as stipulated by Article 57 EPC.

The appeal fee was paid on 10 April 2006. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.

II. By a communication dated 14 September 2006 sent by registered letter with advice of delivery, the Registry of the Board of Appeal 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, and no request for re-establishment of rights was 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 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