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**Datasheet for the decision
of 20 April 2007**

Case Number: T 1523/06 - 3.3.08

Application Number: 92910625.0

Publication Number: 0610201

IPC: C12N 15/13

Language of the proceedings: EN

Title of invention:

Monoclonal and chimeric antibodies specific for human tumor necrosis factor

Patentee:

NEW YORK UNIVERSITY, et al

Opponent:

PHARMACIA ITALIA, S.p.A.

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 1523/06 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 20 April 2007

Appellant: PHARMACIA ITALIA, S.p.A.
(Opponent) Viale Pasteur, 10
I-20014 Nerviano (MI) (IT)

Representative: Polz, Leo
Hoffmann - Eitle
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Respondents: NEW YORK UNIVERSITY
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Representative: Anderson, Robert J.
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
27 July 2006 concerning maintenance of European
patent No. 0610201 in amended form.

Composition of the Board:

Chairman: L. Galligani
Members: M. R. Vega Laso
C. Rennie-Smith

Summary of Facts and Submissions

- I. The appeal lies from the interlocutory decision of the opposition division of the European Patent Office dated 27 July 2006 concerning maintenance of the European patent No. 0 610 201 in amended form pursuant to Articles 102(3) and 106(3) EPC.

- II. The appellant (opponent) filed a notice of appeal on 27 September 2006 and paid the appeal fee on the same day. In the notice of appeal oral proceedings under Article 116 EPC were requested. However, no statement of grounds of appeal was filed within the time limit set by Article 108 EPC.

- III. By a communication dated 9 January 2007 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 received and that, therefore, it was expected that the appeal would 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.

- IV. Neither a response to said communication nor a request for re-establishment of rights was received. In response to an inquiry by telephone by the Registry of the Board, the representative of the appellant confirmed that no request under Article 122 EPC had been 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). Since the appeal is inadmissible, none of the requests in the notice of appeal, including the request for oral proceedings, can be considered.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Magliano

L. Galligani