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**Datasheet for the decision  
of 1 March 2007**

**Case Number:** T 1680/06 - 3.3.04

**Application Number:** 98958631.8

**Publication Number:** 1037907

**IPC:** C07K 14/00

**Language of the proceedings:** EN

**Title of invention:**

Bone morphogenetic protein (BMP) -17 and BMP -18 and compositions thereof

**Applicant:**

Genetics Institute, LLC

**Opponent:**

-

**Headword:**

BMP/GENETICS INSTITUTE

**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 1680/06 - 3.3.04

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.04  
of 1 March 2007

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

**Representative:** Denholm, Anna Marie  
Wyeth Pharmaceuticals  
Patents & Trade Marks Department  
Huntercombe Lane South  
Taplow  
Maidenhead  
Berkshire SL6 0PH (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 23 May 2006  
refusing European application No. 98958631.8  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** U. Kinkeldey  
**Members:** M. Wieser  
G. Weiss

## **Summary of Facts and Submissions**

The appeal contests the decision of the Examining Division of the European Patent Office dated 23 May 2006 concerning refusal the European Patent application No. 98 958 631.8.

The appellant (applicant) filed a notice of appeal on 27 July 2006 and paid the fee for appeal on the same day.

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.

By communications dated 1 December 2006, 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.

In response to an inquiry by the registry of the Board, the representative of the appellant confirmed that no response was filed to the communication of 1 December 2006.

## **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 (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

U. Kinkeldey