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**Datasheet for the decision
of 15 May 2007**

Case Number: T 1794/06 - 3.3.08

Application Number: 00983846.7

Publication Number: 1250426

IPC: C12N 15/12

Language of the proceedings: EN

Title of invention:

Secreted and transmembrane polypeptides and nucleic acids
encoding same

Applicant:

Genentech Inc.

Opponent:

-

Headword:

Tumour marker/GENENTECH

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

-



Case Number: T 1794/06 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 15 May 2007

Appellant: Genentech Inc.
1 DNA Way
South San Francisco
CA 94080-4990 (US)

Representative: Denison, Christopher Marcus
Mewburn Ellis LLP
York House
23 Kingsway
London WC2B 6HP (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 23 May 2006
refusing European application No. 00983846.7
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: L. Galligani
Members: M. R. Vega Laso
C. Heath

Summary of Facts and Submissions

- I. The applicant (appellant) on 24 July 2006 filed a notice of appeal against the decision of the examining division dated 23 May 2006, whereby the European patent application No. 00 983 846.7 (published as WO 01/40466) entitled "Secreted and transmembrane polypeptides and nucleic acids encoding same" was refused pursuant to Article 97(1) EPC. The appeal fee was paid on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. Upon enquiry by the Registrar, the representative of the appellant by telefax of 4 May 2007 confirmed that no grounds of appeal had been filed in this case.

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 grounds of appeal pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC and Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

G. Nachtigall

L. Galligani