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**Datasheet for the decision
of 11 September 2007**

Case Number: T 0166/07 - 3.3.08

Application Number: 92913881.6

Publication Number: 0585398

IPC: C12N 15/51

Language of the proceedings: EN

Title of invention:

HCV Genomic sequences for diagnostics and therapeutics

Patentee:

Novartis Vaccines and Diagnostics, Inc.

Opponent:

Innogenetics

Headword:

Genomic sequences/NOVARTIS

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 0166/07 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 11 September 2007

Appellant: Novartis Vaccines and Diagnostics, Inc.
(Patent Proprietor) 4560 Horton Street
Emeryville, CA 94608 (US)

Representative: UEXKÜLL & STOLBERG
Patentanwälte
Beselerstrasse 4
D-22607 Hamburg (DE)

Respondent: Innogenetics N.V.
(Opponent) Technologiepark 6
BE-9052 Ghent (BE)

Representative: De Clercq, Ann G. Y.
De Clercq, Brants & Partners c.v.
Edgard Gevaertdreef 10a
BE-9830 Sint-Martens-Latem (BE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 30 November 2006
revoking European patent No. 0585398 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: L. Galligani
Members: F. Davison-Brunel
B. Günzel

Summary of Facts and Submissions

- I. The proprietor (appellant) filed on 26 January 2007 a notice of appeal against the decision of the opposition division dated 30 November 2006 whereby the European Patent No. 0 585 398 entitled "HCV Genomic sequences for diagnostics and therapeutics" was revoked. The appeal fee was paid on the same day. No statement setting out the grounds of appeal was filed.
- II. By a communication dated 22 May 2007 sent by registered letter with advice of delivery, the Registrar of the Board of Appeal informed the appellant that no written statement of grounds of appeal 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. Upon enquiry by the Registrar, the representative of the appellant confirmed that no such request 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 statement 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