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

Case Number: T 0748/07 - 3.3.08

Application Number: 01958284.0

Publication Number: 1301615

IPC: C12N 15/86

Language of the proceedings: EN

Title of invention:

Adenovirus vectors comprising introns

Applicant:

UNIVERSITY OF SASKATCHEWAN

Headword:

Adenovirus/SASKATCHEWAN

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 0748/07 - 3.3.08

DECISION
of the Technical Board of Appeal 3.3.08
of 15 November 2007

Appellant: UNIVERSITY OF SASKATCHEWAN
120 Veterinary Road
Saskatoon
Saskatchewan S7N 5E3 (CA)

Representative: Roques, Sarah Elizabeth
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14 South Square
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London WC1R 5JJ (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 2 November 2006
refusing European application No. 01958284.0
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: L. Galligani
Members: T. J. H. Mennessier
T. Karamanli

Summary of Facts and Submissions

- I. The applicant (appellant) filed on 5 January 2007 a notice of appeal against the decision of the examining division dated 2 November 2006, whereby the European patent application No. 01 958 284.0 (published as WO 02/06502) entitled "Adenovirus vectors comprising introns" was refused pursuant to Article 97(1) EPC because it did not fulfil the requirements of Articles 123(2) EPC, 84 EPC and 56 EPC. The appeal fee was paid on the same date.

- II. In the notice of appeal it was requested that the impugned decision be set aside and that a patent be granted on the basis of the main request filed with letter of 15 September 2006. As an auxiliary measure oral proceedings were requested. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.

- III. By a communication dated 14 June 2007 sent by registered letter with advice of delivery, the appellant was informed by the Registry of the Board that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months. Attention was also drawn to Article 122 EPC. The appellant did not reply to said communication, and no request for re-establishment of rights was filed.

- IV. The appellant confirmed with a letter dated 3 October 2007 that no grounds of appeal had been filed and that no further submissions would be made.

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