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**Datasheet for the decision
of 3 December 2007**

Case Number: T 1085/07 - 3.3.08

Application Number: 97942519.6

Publication Number: 0935659

IPC: C12N 15/36

Language of the proceedings: EN

Title of invention:

Compositions and methods for treating intracellular diseases

Applicant:

Novartis Vaccines and Diagnostics, Inc., et al

Opponent:

-

Headword:

Intracellular diseases/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 1085/07 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 3 December 2007

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

Representative: Hallybone, Huw George
Carpmaels and Ransford
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 12 January 2007
refusing European application No. 97942519.6
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: L. Galligani
Members: F. Davison-Brunel
C. Rennie-Smith

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division of the European Patent Office dated 12 January 2007 to refuse the European patent application No.97 942 519.6 pursuant to Article 97(1) EPC.
- II. The appellant (applicant) filed a notice of appeal on 16 March 2007 and paid the appeal fee on the same day. However, no statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- III. By a communication dated 27 July 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 can be considered.

Order

For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

A. Wolinski

L. Galligani