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**Datasheet for the decision
of 3 March 2008**

Case Number: T 1328/07 - 3.3.08

Application Number: 96918616.2

Publication Number: 0832245

IPC: C12N 15/53

Language of the proceedings: EN

Title of invention:

Recombinant hexose oxidase, a method of producing same and use of such enzyme

Patentee:

DANISCO A/S

Opponent:

DSM IP Assets B.V.

Headword:

Hexose oxidase/DANISCO

Relevant legal provisions:

EPC Art. 108

EPC R. 101

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

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Case Number: T 1328/07 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 3 March 2008

Appellant: DANISCO A/S
(Patent Proprietor) Langebrogade 1
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Representative: Harding, Charles Thomas
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Respondent: DSM IP Assets B.V.
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Representative: Matulewicz, Emil Rudolf Antonius
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
12 June 2007 concerning maintenance of European
patent No. 0832245 in amended form.

Composition of the Board:

Chairman: L. Galligani
Members: T. J. H. Mennessier
C. Rennie-Smith

Summary of Facts and Submissions

- I. The patent proprietor (appellant) filed on 8 August 2007 a notice of appeal against the interlocutory decision of the opposition division dated 12 June 2007, whereby the European Patent No. 0 832 245, granted on the European application No. 96 918 616.2 (published as International application WO 96/40935) with the title "Recombinant Hexose Oxidase, a Method of Producing Same and Use of Such Enzyme", was maintained in amended form under Article 102(3) EPC 1973 (Article 101(3)(a) EPC 2000) on the basis of auxiliary request A (claims 1 to 44) filed at the oral proceedings held on 25 April 2007. The appeal fee was paid on 8 August 2007. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC. An appeal against this decision had also been filed by the opponent but it was withdrawn on 14 November 2007.
- II. By a communication dated 28 December 2007 sent by registered letter with advice of delivery, the Registry of the Board of Appeal informed the appellant that no 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.
- III. In response to the Board's communication, the appellant confirmed on 26 February 2008 that no statement of grounds of appeal had been filed.

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 (Article 108 EPC in conjunction with Rule 101(1) EPC). Since the appeal is inadmissible, none of the requests in the notice of appeal, including the request for oral proceedings, 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