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**Datasheet for the decision
of 19 March 2008**

Case Number: T 1504/07 - 3.3.02

Application Number: 97904765.1

Publication Number: 0879056

IPC: A61K 31/52

Language of the proceedings: EN

Title of invention:

Modulation of TH₁/TH₂ cytokine expression by ribavirin in
activated t-lymphocytes

Patentee:

Ribapharm, Inc.

Opponent:

Krauss, Jan B.
Teva Pharmaceutical Industries Ltd.
Sandoz GmbH

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1504/07 - 3.3.02

D E C I S I O N
of the Technical Board of Appeal 3.3.02
of 19 March 2008

Appellant:
(Patent Proprietor)

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Respondents:
(Opponent)

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Representative:

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(Opponent)

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(Opponent)

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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted 3 July 2007
revoking European patent No. 0879056 pursuant
to Article 102(1) EPC.**

Composition of the Board:

Chairman: U. Oswald
Members: M. C. Ortega Plaza
 P. Mühlens

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office dispatched by registered letter with advice of delivery to the Patent proprietor on 3 July 2007, and concerning the revocation of the European patent No. 0879056.

The Appellant (Patent proprietor) filed a Notice of Appeal by a letter received on 3 September 2007 and paid the fee for appeal on the same day. No Statement of Grounds was filed. The Notice of Appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

II. By a communication dated 28 December 2007, sent by registered post, the Registrar of the Board informed the Appellant that no Statement of Grounds has been filed and that the appeal could be expected to be rejected as inadmissible.

III. No answer has been given within the given time limit to the Registry's communication.

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 (formerly Rule 65(1) EPC 1973)).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

A. Townend

U. Oswald