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**Datasheet for the decision  
of 27 May 2008**

**Case Number:** T 1792/07 - 3.3.08

**Application Number:** 96916999.4

**Publication Number:** 0832202

**IPC:** C12N 15/86

**Language of the proceedings:** EN

**Title of invention:**  
AAV directed targeted integration

**Applicant:**  
UNIVERSITY OF PITTSBURGH

**Headword:**  
Adeno-associated virus/UNIVERSITY OF PITTSBURGH

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 101(1)

**Relevant legal provisions (EPC 1973):**

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**Keyword:**  
"Missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1792/07 - 3.3.08

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.08  
of 27 May 2008

**Appellant:** UNIVERSITY OF PITTSBURGH  
911 William Pitt Union  
Pittsburgh  
Pennsylvania 15260 (US)

**Representative:** Horner, Martin Grenville  
Marks & Clerk Scotland  
19 Royal Exchange Square  
Glasgow G1 3AE (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 8 May 2007  
refusing European application No. 96916999.4  
pursuant to Article 97(1) EPC 1973.

**Composition of the Board:**

**Chairman:** L. Galligani  
**Members:** M. R. Vega Laso  
C. Rennie-Smith

## **Summary of Facts and Submissions**

- I. The applicant (appellant) filed on 13 July 2007 a notice of appeal against the decision of the examining division dated 8 May 2007, whereby the European patent application No. 96 916 999.4 (published as WO 96/39495) entitled "AAV directed targeted integration" was refused pursuant to Article 97(1) EPC 1973. The appeal fee was paid on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 28 December 2007 sent by registered letter with advice of delivery, the appellant was informed 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 pursuant to Article 108, 3rd sentence EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months. The appellant did not reply to said communication, and no request for re-establishment of rights was 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 anything that could be regarded as a statement of grounds of appeal according to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar

The Chairman

A. Wolinski

L. Galligani