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**Datasheet for the decision
of 13 May 2008**

Case Number: T 1899/07 - 3.3.08

Application Number: 99933914.6

Publication Number: 1200133

IPC: C12N 5/06

Language of the proceedings: EN

Title of invention:

Manipulation of tissue or organ type using the notch pathway

Applicants:

Gehring, Walter, et al

Headword:

Notch pathway/GEHRING

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 1899/07 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 13 May 2008

Appellants: Gehring, Walter, et al
Hochfeldweg 32
CH-4106 Therwil (CH)

Representative: Mercer, Christopher Paul
Carpmaels & Ransford
43, Bloomsbury Square
London WC1A 2RA (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 30 May 2007
refusing European application No. 99933914.6
pursuant to Article 97(1) EPC.

Composition of the Board:

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

Summary of Facts and Submissions

- I. The applicants (appellants) filed on 27 July 2007 a notice of appeal against the decision of the examining division dated 30 May 2007, whereby the European Patent application No. 99 933 914.6 (published as International application WO 01/03743) with the title "Manipulation of Tissue or Organ Type Using the Notch Pathway", was refused under Article 97(1) EPC 1973 (Article 97(2) EPC 2000) on the basis of the request (claims 1 to 46) filed at the oral proceedings held on 1 February 2007. The appeal fee was paid on 27 July 2007. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. In a consultation by telephone with the formality officer of the examining division on 16 November 2007, the appellants stated that no grounds of appeal will be filed.
- III. By a communication dated 28 December 2007 sent by registered letter with advice of delivery, the Registry of the Board of Appeal informed again the appellants that no statement of grounds of appeal had been filed and that, therefore, the appeal had to be rejected as inadmissible. The appellants were invited to file observations within two months.
- IV. The appellants did not reply to that 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). 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