

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 1 October 2008**

Case Number: T 0802/08 - 3.3.08

Application Number: 99107413.9

Publication Number: 0955363

IPC: C12N 9/88

Language of the proceedings: EN

Title of invention:

DNA sequences encoding enzymes involved in production of isoprenoids

Applicant:

DSM IP Assets B.V.

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0802/08 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 1 October 2008

Appellant: DSM IP Assets B.V.
Het Overloon 1
NL-6411 TE Heerlen (NL)

Representative: Schwander, Kuno
DSM Nutritional Products Ltd
Patent Department VMD
Bau 241 / 636
P.O. Box 3255
CH-4002 Basel (CH)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 8 November 2007
refusing European application No. 99107413.9
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: L. Galligani
Members: P. Julià
C. Rennie-Smith

Summary of Facts and Submissions

- I. The applicant (appellant) filed on 18 January 2008 a notice of appeal against the decision of the examining division dated 8 November 2007, whereby the European patent application No. 99 107 413.9 (published as EP 0 955 363) entitled "DNA sequences encoding enzymes involved in production of isoprenoids" 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 2 June 2008 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, third 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