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**Datasheet for the decision
of 11 May 2009**

Case Number: T 1230/08 - 3.3.08

Application Number: 93907104.9

Publication Number: 0638172

IPC: G01N 33/53

Language of the proceedings: EN

Title of invention:

Methods and compositions for monitoring cellular processing of
beta-amyloid precursor protein

Patentee:

ELAN PHARMACEUTICALS, INC., et al

Opponent:

Glaxo Group Ltd.

Headword:

Beta-Amyloid Precursor/ELAN

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

EPC Art. 102(2)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Catchword:

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Case Number: T 1230/08 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 11 May 2009

Appellant: Glaxo Group Ltd.
(Opponent) GSK House, 980 Great West Road
Brentford
Middlesex TW8 9GS (GB)

Representative: McKinnell, Denise
GlaxoSmithKline
Corporate Intellectual Property
(CN9.25.1)
980 Great West Road
Brentford
Middlesex TW8 9GS (GB)

Respondent: ELAN PHARMACEUTICALS, INC.
(Patent Proprietor) 800 Gateway Boulevard
South San Francisco
CA 94080 (US)

Representative: Mercer, Christopher Paul
Carpmaels & Ransford
43-45 Bloomsbury Square
London WC1A 2RA (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 8 May 2008
rejecting the opposition filed against European
patent No. 0638172 pursuant to Article 102(2)
EPC 1973.

Composition of the Board:

Chairman: L. Galligani
Members: T. J. H. Mennessier
C. Heath

Summary of Facts and Submissions

- I. On 26 June 2008, the Opponent (appellant) filed a notice of opposition against the decision of the Opposition Division dated 8 May 2008, whereby the opposition filed against European patent No. 0 638 172 (European application No. 93 907 104.9) with the title "*Methods and Compositions for Monitoring Cellular Processing of Beta-Amyloid Precursor Protein*" was rejected. The appeal fee was paid on the same day. No statement of grounds of appeal was filed within the prescribed period in accordance with Article 108 EPC.
- II. By a communication dated 6 November 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 must 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