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

Case Number: T 1430/08 - 3.3.08

Application Number: 93915447.2

Publication Number: 0647275

IPC: C12N 15/12

Language of the proceedings: EN

Title of invention:

Cloning and expression of gonadotropin-releasing hormone
receptor

Patentee:

THE MOUNT SINAI SCHOOL OF MEDICINE OF THE CITY UNIVERSITY OF
NEW YORK

Opponents:

- 01) Ardana Bioscience Limited
- 02) Solvay Pharmaceuticals GmbH
- 03) AETerna Zentaris GmbH

Headword:

-

Relevant legal provisions:

EPC Art. 108, third sentence
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

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Case Number: T 1430/08 - 3.3.08

INTERLOCUTORY DECISION
of the Technical Board of Appeal 3.3.08
of 11 May 2009

Appellant I:
(Patent Proprietor)
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
13 June 2008 concerning maintenance of European
patent No. 0647275 in amended form.

Composition of the Board:

Chairman: L. Galligani
Members: M. R. Vega Laso
B. Günzel

Summary of Facts and Submissions

- I. The patent proprietor (appellant I) filed on 13 August 2008 a notice of appeal against the interlocutory decision of the opposition division dated 13 June 2008, whereby the European patent No. 647 275 (European application No. 93 915 447.2) with the title "Cloning and expression of gonadotropin-releasing hormone receptor" was maintained in amended form pursuant to Article 101(3)(a) EPC. The appeal fee was paid on the same day. No statement of grounds of appeal was filed within the time limit specified in Article 108 EPC.
- II. By a communication dated 11 December 2008 sent by registered letter with advice of delivery, appellant I 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. Appellant I 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 of appellant I (the patent proprietor) is rejected as inadmissible.

The Registrar

The Chairman

A. Wolinski

L. Galligani