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**Datasheet for the decision
of 12 March 2009**

Case Number: T 1895/08 - 3.3.01

Application Number: 99967703.2

Publication Number: 1139751

IPC: A01N 43/04

Language of the proceedings: EN

Title of invention:

Efficient and stable (in vivo) gene transfer to cardiomyocytes
using recombinant adeno-associated virus vectors

Applicant:

Arch Development Corporation

Opponent:

-

Headword:

Gene transfer/ARCH

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:

-

Catchword:

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Case Number: T 1895/08 - 3.3.01

D E C I S I O N
of the Technical Board of Appeal 3.3.01
of 12 March 2009

Appellant:

(Patent Proprietor)

Arch Development Corporation
5640 south Ellis Avenue
Room 405
Chicago
IL 60637 (US)

Representative:

Lock, Graham James
Fry Heath & Spence LLP
The Gables
Massetts Road
Horley
Surrey RH6 7DQ (GB)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 22 February 2008
refusing European patent application
No. 99967703.2 pursuant to Article 102(1) EPC.

Composition of the Board:

Chairman:

P. Ranguis

Members:

J.-B. Ousset

C.-P. Brandt

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 22 February 2008 refusing European patent application No. 99967703.2.

The appellant filed a notice of appeal on 16 April 2008 and paid the appeal fee on the same day.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

II. In a communication dated 12 November 2008, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. The appellant filed no observations in response to said communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Schalow

P. Ranguis