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**Datasheet for the decision
of 31 March 2009**

Case Number: T 2267/08 - 3.3.04

Application Number: 05744057.0

Publication Number: 1740209

IPC: A61K 39/395

Language of the proceedings: EN

Title of invention:

Method and system to remove soluble TNFR1, TNFR2, and IL2 in patients

Applicant:

BioPheresis Technologies, Inc.

Headword:

Removal of TNFR1, TNFR2 and IL2/BIO-PHERESIS

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 2267/08 - 3.3.04

D E C I S I O N
of the Technical Board of Appeal 3.3.04
of 31 March 2009

Appellant:
(Applicant)

BioPheresis Technologies, Inc.
400 Galleria Parkway, Suite 1950
Atlanta, GA 30339 (US)

Representative:

Lahrtz, Fritz
Isenbruck Bösl Hörschler Wichmann Huhn LLP
Patentanwälte
Prinzregentenstraße 68
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Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 26 May 2008
refusing European patent application
No. 05744057.0 pursuant to Article 97(2) EPC.

Composition of the Board:

Chair: U. Kinkeldey
Members: G. Alt
R. Moufang

Summary of facts and submissions

- I. The appeal contests the decision of the examining division of the European Patent Office dated 26 May 2008 concerning the refusal of the European Patent application No. 05744057.0.

- II. The appellant (applicant) filed a notice of appeal on 1 August 2008 and paid the fee for appeal on the same day.

- III. No statement of grounds was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

- IV. By communication dated 12 December 2008, sent by registered letter with advice of delivery, the registry of the board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months; further, the appellant was requested to make clear if the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal has not been filed.

- V. The appellant, by letter dated 28 January 2009, withdrew the request for oral proceedings.

Reasons for the decision

As no written statement setting out the grounds of appeal had been filed, the appeal has to be rejected as inadmissible (Rule 101(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chair:

P. Cremona

U. Kinkeldey