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**Datasheet for the decision
of 29 January 2010**

Case Number: T 1399/09 - 3.3.04

Application Number: 02702772.1

Publication Number: 1367881

IPC: A01H 5/00

Language of the proceedings: EN

Title of invention:

Plant cell having animal-type sugar chain adding function

Applicant:

THE DOW CHEMICAL COMPANY

Headword:

Plant cell/DOW CHEMICAL

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 1399/09 - 3.3.04

D E C I S I O N
of the Technical Board of Appeal 3.3.04
of 29 January 2010

Appellant: THE DOW CHEMICAL COMPANY
(Applicant) 2030 Dow Center
Midland, Michigan 48674 (US)

Representative: Thurgood, Alexander John, et al
Cabinet Michel Richebourg
69, Rue Saint Simon
BP 301
42016 Saint-Etienne Cedex 1 (FR)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 30 December 2008
refusing European patent application
No. 02702772.1 pursuant to Article 97(2) EPC.

Composition of the Board:

Chair: U. Kinkeldey
Members: M. Wieser
F. Blumer

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 30 December 2008 concerning refusal of the European Patent application No. 02 702 772.1.
- II. The appellant (applicant) filed a notice of appeal on 27 February 2009 and paid the appeal fee 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 7 July 2009, 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.
- V. No observations were filed in response to the communication dated 7 July 2009.

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.

Registrar:

Chair:

P. Cremona

U. Kinkeldey