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

Case Number: T 1652/09 - 3.3.08

Application Number: 98966693.8

Publication Number: 1060241

IPC: C12N 5/00

Language of the proceedings: EN

Title of invention:

Preparation of cells for production of biologicals

Patentee:

Solvay Biologicals B.V.

Opponent:

Sanofi Pasteur SA

Headword:

Preparation cells/SOLVAY

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:

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Catchword:

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Case Number: T 1652/09 - 3.3.08

DECISION
of the Technical Board of Appeal 3.3.08
of 29 April 2010

Appellant: Sanofi Pasteur SA
(Opponent) 2 Avenue Pont Pasteur
F-69367 Lyon (FR)

Representative: Hurpin, Christian Marcel
Sanofi Pasteur
2 avenue Pont Pasteur
F-89387 Lyon cedex 07 (FR)

Respondent: Solvay Biologicals B.V.
(Patent Proprietor) C.J. Van Houtenlaan 36
NL-1381 CP Weesp (NL)

Representative: Prüfer & Partner GbR
European Patent Attorneys
Sohnckestrasse 12
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
12 June 2009 concerning maintenance of European
patent No. 1060241 in amended form.

Composition of the Board:

Chairman: L. Galligani
Members: P. Julià
C. Heath

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 12 June 2009 concerning maintenance of European patent No. 1 060 241 entitled "Preparation of cells for production of biologicals" in amended form. The appellant (opponent) filed a notice of appeal on 10 August 2009 and paid the fee for appeal 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 10 December 2009 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, and 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 any statements that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC). Since the appeal is inadmissible, none of the requests in the notice of appeal, including the request for oral proceedings, can be considered.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

A. Wolinski

L. Galligani