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**Datasheet for the decision  
of 26 March 2010**

**Case Number:** T 1781/09 - 3.3.04

**Application Number:** 00985964.6

**Publication Number:** 1254666

**IPC:** A61K 39/395, A61K 9/08,  
A61K 47/04, A61K 47/12

**Language of the proceedings:** EN

**Title of invention:**  
Stable antibody compositions and injection preparations

**Applicant:**  
CHUGAI SEIYAKU KABUSHIKI KAISHA

**Headword:**  
Stable antibody/CHUGAI SEIYAKU KK

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 101(1)

**Relevant legal provisions (EPC 1973):**  
-

**Keyword:**  
"Missing statement of grounds"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 1781/09 - 3.3.04

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.04  
of 26 March 2010

**Appellant:**  
(Applicant)

CHUGAI SEIYAKU KABUSHIKI KAISHA  
5-1, Ukima 5-chome, Kita-ku  
JP-Tokyo, 115-8543

**Representative:**

Harding, Charles Thomas  
D Young & Co  
120 Holborn London  
GB-EC1N 2DY

**Decision under appeal:**

Decision of the Examining Division of the  
European Patent Office posted 2 March 2009  
refusing European patent application  
No. 00985964.6 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** C. Rennie-Smith  
**Members:** G. Alt  
B. Claes

## **Summary of Facts and Submissions**

- I. The appeal is against the decision of the Examining Division of the European Patent Office dated 2 March 2009 concerning refusal of the European Patent application No. 00 985 964.6.
- II. The appellant (applicant) filed a notice of appeal on 27 April 2009 and paid the appeal fee on 28 April 2009.
- 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 16 October 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 16 October 2009.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has 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:

Chairman:

P. Cremona

C. Rennie-Smith