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**Datasheet for the decision  
of 30 november 2010**

**Case Number:** T 1083/10 - 3.3.08

**Application Number:** 98966063.4

**Publication Number:** 1141281

**IPC:** C12N 15/12

**Language of the proceedings:** EN

**Title of invention:**

The protein tyrosine kinase substrate LAT and its uses in the identification of (ant)agonists of the kinase

**Applicant:**

THE UNITED STATES GOVERNMENT as represented by THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Opponent:**

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**Headword:**

Protein tyrosine kinase/THE UNITED STATES GOVERNMENT

**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 1083/10 - 3.3.08

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.08  
of 30 november 2010

**Appellant:** THE UNITED STATES GOVERNMENT as represented by  
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Office of Technology Transfer  
Suite 325  
6011 Executive Boulevard  
Rockville, MD 20852-3804 (US)

**Representative:** Glawe, Delfs, Moll  
Patent- und Rechtsanwälte  
Rothenbaumchaussee 58  
D-20148 Hamburg (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted on 3 December  
2009 refusing European application  
No. 98966063.4 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** L. Galligani  
**Members:** M. R. Vega Laso  
D. S. Rogers

## **Summary of Facts and Submissions**

- I. The applicant (appellant) filed on 15 February 2010 a notice of appeal against the decision of the examining division dated 3 December 2009, whereby the European patent application No. 98 966 063.4 was refused pursuant to Article 97(2) EPC. The appeal fee was paid on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 26 May 2010 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