

**Internal distribution code:**

- (A)  Publication in OJ  
(B)  To Chairmen and Members  
(C)  To Chairmen  
(D)  No distribution

**Datasheet for the decision  
of 28 February 2011**

**Case Number:** T 1848/10 - 3.3.04

**Application Number:** 05733066.4

**Publication Number:** 1766053

**IPC:** A61K 48/00

**Language of the proceedings:** EN

**Title of invention:**

RNA-containing microvesicles and methods therefor

**Applicant:**

Proxy Life Science Holdings, Inc.

**Headword:**

Microvesicles/Proxy Life

**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 1848/10 - 3.3.04

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.04  
of 28 February 2011

**Appellant:** Proxy Life Science Holdings, Inc.  
(Applicant) 30600 Pasqual Road  
Temecula, CA (US)

**Representative:** Rupp, Christian  
Mitscherlich & Partner  
Patent-und Rechtsanwälte  
Sonnenstraße 33  
D-80331 München (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 24 March 2010  
refusing European patent application  
No. 05733066.4 pursuant to Article 97(2) EPC.

**Composition of the Board:**

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

## **Summary of Facts and Submissions**

- I. The appeal is against the decision of the Examining Division of the European Patent Office dated 24 March 2010 concerning refusal of the European Patent application No. 05 733 066.4.
- II. The appellant (applicant) filed a notice of appeal on 20 May 2010 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 13 September 2010, 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 had not been filed.
- V. The appellant, by letter dated 24 September 2010, confirmed that oral proceedings were not required regarding the question of inadmissibility of the appeal.

## **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