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**Datasheet for the decision  
of 1 April 2011**

**Case Number:** T 2509/10 - 3.3.02

**Application Number:** 05764066.6

**Publication Number:** 1768709

**IPC:** A61K 51/04

**Language of the proceedings:** EN

**Title of invention:**

A method of diagnosing prodromal forms of diseases associated with amyloid deposition

**Applicant:**

University of Pittsburgh - Of the Commonwealth

**Opponent:**

-

**Headword:**

Method of diagnosing/UNIVERSITY OF PITTSBURGH

**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 2509/10 - 3.3.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.02  
of 1 April 2011

**Appellant:** University of Pittsburgh - Of the Commonwealth  
System of Higher Education  
200 Gardner Steel Conference Center  
Thackeray & O'Hara Streets  
Pittsburgh  
PA 15260 (US)

**Representative:** Plougmann & Vingtoft A/S  
Sundkrogsgade 9  
P.O. Box 831  
DK-2100 Copenhagen Ø (DK)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 17 June 2010  
refusing European application No. 05764066.6  
pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** U. Oswald  
**Members:** M. C. Ortega Plaza  
L. Bühler

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the examining division posted on 17 June 2010, refusing European patent application No. 05764066.6.

The appellant (applicant) filed a notice of appeal received on 19 August 2010 and paid the fee for appeal on the same day. No statement of grounds of appeal was filed.

- II. In a communication dated 28 December 2010, sent by registered post with advice of delivery, the registrar of the board informed the appellant that no statement of grounds of appeal had been filed and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months.

- III. No reply was filed to said communication.

## **Reasons for the Decision**

1. Article 108 EPC requires that a statement setting out the grounds of appeal shall be filed within four months of notification of the decision. Pursuant to Rule 101(1) EPC the appeal shall be rejected as inadmissible if it does not comply with Article 108 EPC.
2. In the present case no document was filed by the appellant which could be regarded as a statement setting out the grounds of appeal. Consequently the appeal has to be rejected as inadmissible.

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

N. Maslin

U. Oswald