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**Datasheet for the decision
of 20 September 2011**

Case Number: T 0414/11 - 3.3.04

Application Number: 98926586.3

Publication Number: 0998486

IPC: C07K 1/36, C07K 16/06

Language of the proceedings: EN

Title of invention:

PROTEIN RECOVERY BY CHROMATOGRAPHY FOLLOWED BY FILTRATION UPON
A CHARGED LAYER

Patentee:

Genentech, Inc.

Opponents:

Novo Nordisk A/S
Symphogen A/S et al.

Headword:

Protein recovery/GENENTECH

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0414/11 - 3.3.04

D E C I S I O N
of the Technical Board of Appeal 3.3.04
of 20 September 2011

Appellant: Novo Nordisk A/S
(Opponent 01) Novo Allé
DK-2880 Bagsvaerd (DK)

Representative: Goodfellow, Hugh Robin
Carpmaels & Ransford One Southampton Row
London WC1B 5HA (GB)

Respondent Genentech, Inc.
(Patent Proprietor) 1 DNA Way
South San Francisco CA 94080-4990 (US)

Representative: Kremer, Simon Mark, et al.
Mewburn Ellis LLP 33 Gutter Lane
London EC2V 8AS (GB)

(Opponent 02) Symphogen A/S et al.
Elektrovej, Bldg 375
DK-2800 Lyngby (DK)

Representative: Dörries, Hans Ulrich
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D-80333 München (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted
29 November 2010 concerning maintenance of
European patent No. 0998486 in amended form.**

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 Opposition Division of the European Patent Office dated 29 November 2010 concerning maintenance of European Patent No. 0 998 486 in amended form.
- II. The appellant (opponent O1) filed a notice of appeal on 9 February 2011 and paid the fee for appeal 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 27 May 2011, 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 8 July 2011, withdrew the request for oral proceedings in the case of non-admissibility 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