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**Datasheet for the decision  
of 10 January 2012**

**Case Number:** T 0782/11 - 3.3.04

**Application Number:** 00949768.6

**Publication Number:** 1200121

**IPC:** A61K 39/106, A61K 39/102,  
A61K 39/02, C12N 1/20,  
C07K 16/12, A61P 31/04

**Language of the proceedings:** EN

**Title of invention:**  
FISH VACCINE

**Patentees:**  
Novartis AG  
Novartis Pharma GmbH

**Opponent:**  
Intervet International BV

**Headword:**  
Fish vaccine/NOVARTIS

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

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

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0782/11 - 3.3.04

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.04  
of 10 January 2012

**Appellant:** Intervet International BV  
(Opponent 01) Wim de Körverstraat 35  
5831 AN Boxmeer (PAYS-BAS)

**Representative:** Keus, Jacobus Albertus Ronald  
Intervet International B.V.  
Patent Department  
Wim de Korverstraat 35  
5831 AN Boxmeer (PAYS-BAS)

**Respondents** (Patent Proprietors) Novartis AG  
Lichtstrasse 35  
4056 Basel (SUISSE)  
and  
Novartis Pharma GmbH  
Brunner Strasse 59  
1230 Wien (AUTRICHE)

**Representative:** Stolzenburg, Friederike  
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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
31 January 2011 concerning maintenance of  
European patent No. 1200121 in amended form.

**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 Opposition Division of the European Patent Office dated 31 January 2011 concerning maintenance of European Patent No. 1 200 121 in amended form.
- II. The appellant (opponent 01) filed a notice of appeal on 29 March 2011 and paid the fee for appeal on 30 March 2011.
- 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 19 July 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.
- V. No observations were filed by the appellant within two months.

## **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.

The Registrar:

The Chairman:

C. Eickhoff

C. Rennie-Smith