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**Datasheet for the decision
of 11 July 2011**

Case Number: T 0811/11 - 3.3.08

Application Number: 00973497.1

Publication Number: 1226239

IPC: C12N 15/00

Language of the proceedings: EN

Title of invention:

Methods of producing differentiated progenitor cells and lineage-defective embryonic stem cells

Applicant:

Advanced Cell Technology, Inc.

Headword:

Differentiated progenitor cells/ADVANCED CELL TECHNOLOGY

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 0811/11 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 11 July 2011

Appellant: Advanced Cell Technology, Inc.
(Applicant) One Innovation Drive
Worcester, MA 01605 (US)

Representative: Daniels, Jeffrey Nicholas
Page White & Farrer
Bedford House
John Street
London WC1N 2BF (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 11 October
2010 refusing European application
No. 00973497.1 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: M. Wieser
Members: M. R. Vega Laso
C. Heath

Summary of Facts and Submissions

- I. The applicant (appellant) on 10 December 2010 filed a notice of appeal against the decision of the examining division dated 11 October 2010, whereby the European patent application No. 00 973 497.1 with the title "Method of producing differentiated progenitor cells and lineage-defective embryonic stem cells" 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 19 April 2011 sent by registered letter with advice of delivery, the appellant was informed that no written 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.
- III. The appellant did not reply to the 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, the request in the notice of appeal that the decision of the

examining division be cancelled in its entirety cannot be considered.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

A. Wolinski

M. Wieser