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**Datasheet for the decision
of 11 May 2012**

Case Number: T 2516/11 - 3.3.08

Application Number: 00931988.0

Publication Number: 1185698

IPC: C12Q 1/68

Language of the proceedings: EN

Title of invention:

Automated Nucleic Acid Compaction Device

Applicant:

Copernicus Therapeutics, Inc.

Headword:

Compaction device/COPERNICUS

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds of appeal"
"Appeal inadmissible (yes)"

Decisions cited:

T 1042/07

Catchword:

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Case Number: T 2516/11 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 11 May 2012

Appellant:
(Applicant) Copernicus Therapeutics, Inc.
Suite 105
25800 Science Park Drive
Beachwood
OH 44122 (US)

Representative: Tombling, Adrian George
Withers & Rogers LLP
4 More London Riverside
London SE1 2AU (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 5 May 2011
refusing European patent application
No. 00931988.0 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: M. Wieser
Members: T. J. H. Mennessier
R. Moufang

Summary of Facts and Submissions

- I. The applicant (appellant) filed on 5 July 2011 a notice of appeal against the decision of the examining division dated 5 May 2011 whereby the European Patent application No. 00 931 988.0 (published as WO 00/70087) entitled "*Automatic nucleic acid compaction device*" was refused according to Article 97(2) EPC in relation with Articles 54 and 56 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 15 December 2011 sent by registered letter with advice of delivery, the appellant was informed that no 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. The appellant did not reply to said communication, and no request for re-establishment of rights was filed.

Reasons for the Decision

1. 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).

2. Since the appellant has not provided any statement as to the substantive merits of its appeal, has not given any explanation or comments as to why no statement of grounds had been filed, and has not reacted to the Board's notification of an impending rejection of the appeal as inadmissible, the Board considers the initial auxiliary request for oral proceedings to have become obsolete as a consequence of the subsequent course of action taken. The lack of any response to the Board's notification is considered to be equivalent to an abandonment of the request for oral proceedings (see T 1042/07 of 22 August 2008, point 3 of the Reasons).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

A. Wolinski

M. Wieser