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**Datasheet for the decision  
of 17 September 2012**

**Case Number:** T 0099/12 - 3.3.02  
**Application Number:** 04757476.9  
**Publication Number:** 1610772  
**IPC:** A61K 31/07, A61P 27/02  
**Language of the proceedings:** EN

**Title of invention:**

Retinoid replacements and opsin agonists and methods for the use thereof

**Applicant:**

University of Washington

**Opponent:**

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**Headword:**

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**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 0099/12 - 3.3.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.02  
of 17 September 2012

**Appellant:** University of Washington  
(Applicant) UW TechTransfer Invention Licensing  
4311 - 11th Avenue NE, Suite 500  
Campus Box 354990  
Seattle, WA 98105-4608 (GB)

**Representative:** Roques, Sarah Elizabeth  
J A Kemp  
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Gray's Inn  
London WC1R 5JJ (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 1 August 2011  
refusing European patent application  
No. 04757476.9 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** U. Oswald  
**Members:** M. C. Ortega Plaza  
D. Prietzel-Funk

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the examining division dated 1 August 2011, refusing European patent application No. 04757476.9.

The appellant (applicant) filed a notice of appeal received on 4 October 2011 and paid the fee for appeal on the same day. No statement of grounds of appeal was filed.

- II. In a communication dated 31 May 2012, 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 pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC, and was invited to file observations within two months of notification of the communication.

- 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