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**Datasheet for the decision
of 21 January 2013**

Case Number: T 0370/12 - 3.3.04
Application Number: 02291551.6
Publication Number: 1375512
IPC: C07K 14/12, C12N 15/45,
C12N 15/63, A61K 39/165
Language of the proceedings: EN

Title of invention:

Infectious cDNA of an approved vaccine strain of measles virus
Use for immunogenic compositions

Patentee:

Institut Pasteur
Centre National de la Recherche Scientifique (CNRS)

Opponent:

Medizinische Universitätsklinik Tübingen

Headword:

Infectious cDNA/INSTITUT PASTEUR

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 0370/12 - 3.3.04

DECISION
of the Technical Board of Appeal 3.3.04
of 21 January 2013

Appellant: Medizinische Universitätsklinik Tübingen
(Opponent 01) Otfried-Müller-Str. 10
D-72076 Tübingen (DE)

Representative: Ricker, Mathias
Wallinger Ricker Schlotter Tostmann
Patent- und Rechtsanwälte
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Respondents: Institut Pasteur
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75724 Paris Cedex 15 (FR)
and
Centre National de la Recherche Scientifique
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Representative: Desaix, Anne
Ernest Gutmann - Yves Plasseraud S.A.S.
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted 15 December 2011
rejecting the opposition filed against European
patent No. 135512 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman: C. Rennie-Smith
Members: G. Alt
M. Montrone

Summary of Facts and Submissions

- I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 15 December 2011 concerning the rejection of the opposition filed against European Patent No. 1 375 512 pursuant to Article 101(2) EPC.
- II. The opponent (hereinafter "appellant") filed a notice of appeal on 16 February 2012 and paid the fee for appeal on the same day.
- III. No statement setting out the grounds of appeal 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 28 June 2012, 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. The appellant filed no observations in response to said communication.

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 (Article 108 EPC, third sentence, in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

Registrar:

Chairman:

P. Cremona

C. Rennie-Smith