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**Datasheet for the decision  
of 22 April 2013**

**Case Number:** T 2226/12 - 3.3.08

**Application Number:** 09717599.6

**Publication Number:** 2260099

**IPC:** C12N 9/42

**Language of the proceedings:** EN

**Title of invention:**

Polypeptides having beta-glucosidase activity and polynucleotides encoding same

**Applicant:**

Novozymes A/S

**Headword:**

Beta-glucosidase/NOVOZYMES

**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 2226/12 - 3.3.08

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.08  
of 22 April 2013

**Appellant:** Novozymes A/S  
(Applicant) Krogshøjvej 36  
DK-2880 Bagsvaerd (DK)

**Representative:** Kofoed, Gertrud Sonne  
Novozymes A/S  
Patents  
Krogshøjvej 36  
DK-2880 Bagsvaerd (DK)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 13 April 2012  
refusing European patent application  
No. 09717599.6 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** M. Wieser  
**Members:** M. R. Vega Laso  
R. Moufang

## **Summary of Facts and Submissions**

- I. On 13 June 2012 the applicant (appellant) filed a notice of appeal against the decision of the examining division dated 13 April 2012 refusing the European patent application No. 09717599.6 (published as EP-A-2260099) with the title "Polypeptides having beta-glucosidase activity and polynucleotides encoding same" pursuant to Article 97(2) EPC. In the notice of appeal, oral proceedings were requested if the board did not intend to allow the appeal. The appeal fee was paid on 16 December 2011. However, no statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 12 November 2012 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 the communication within the prescribed time limit, 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 appellant did not give any explanation as to why a statement of grounds had not been filed, nor reacted in any way to the board's notification of the impending rejection of the appeal as inadmissible, the initial auxiliary request for oral proceedings has become obsolete as a consequence of the appellant's subsequent course of action (see decision T 234/10 of 25 November 2010). In accordance with the findings of the competent board in decision T 1042/07 of 22 August 2008 (see point 3 of the reasons), the present board judges that the appellant's lack of response to the board's notification amounts to an abandonment of its request for oral proceedings.

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

A. Wolinski

M. Wieser