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**Datasheet for the decision
of 25 April 2014**

Case Number: T 1950/13 - 3.3.04

Application Number: 01274166.6

Publication Number: 1379552

IPC: C07K14/255, C12N15/31,
A61K39/00

Language of the proceedings: EN

Title of invention:
Toll-like receptor 5 ligands and methods of use

Patent Proprietor:
The Institute for Systems Biology

Opponent:
GlaxoSmithKline Biologicals s.a.

Headword:
Toll-like receptor/The Institute for Systems Biology

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Keyword:
"Missing statement of grounds"

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1950/13 - 3.3.04

**D E C I S I O N
of Technical Board of Appeal 3.3.04
of 25 April 2014**

Appellant: GlaxoSmithKline Biologicals s.a.
(Opponent) 89 Rue de l'Institut
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Representative: Robertson, James Stuart
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Respondent: The Institute for Systems Biology
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Seattle, WA 98105-6099 (US)

Representative: UEXKÜLL & STOLBERG
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
12 July 2013 concerning maintenance of the
European Patent No. 1379552 in amended form.**

Composition of the Board:

Chairwoman: G. Alt
Members: B. Claes
M.-B. Tardo-Dino

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 16 April 2013, posted on 12 July 2013.
- II. The appellant filed a notice of appeal on 10 September 2013 and paid the appeal fee on the same day.
- III. By communication of 5 December 2013, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed and that it was therefore 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. The appellant was informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairwoman:



D. Hampe

G. Alt

Decision electronically authenticated