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**Datasheet for the decision  
of 21 February 2014**

**Case Number:** T 2260/13 - 3.3.08

**Application Number:** 06790840.0

**Publication Number:** 1948802

**IPC:** C12N15/62, A61K47/48,  
A61K39/29, A61P31/14,  
C07K14/18, C07K16/18,  
C07K19/00, C12N1/21, C12N15/13,  
C12N15/51, C12N15/63, C12N5/10,  
C12P21/02

**Language of the proceedings:** EN

**Title of invention:**  
CHIMERIC ANTIGEN CONTAINING HEPATITIS C VIRUS POLYPEPTIDE AND  
FC FRAGMENT FOR ELICITING AN IMMUNE RESPONSE

**Applicant:**  
AKSHAYA BIO INC.

**Headword:**  
Chimeric antigen hepatitis C virus Fc fragment/AKSHAYA

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

**Keyword:**  
Admissibility of appeal - missing statement of grounds

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

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Case Number: T 2260/13 - 3.3.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.08**  
**of 21 February 2014**

**Appellant:** AKSHAYA BIO INC.  
(Applicant) 8223 Roper Road NW  
Edmonton, AB T6E 6S4 (CA)

**Representative:** Ehnis, Tobias  
Patentanwälte  
Dr. Gassner & Partner  
Marie-Curie-Strasse 1  
91052 Erlangen (DE)

**Decision under appeal:** **Decision of the Examining Division of the European Patent Office posted on 29 May 2013 refusing European patent application No. 06790840.0 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman:** M. Wieser  
**Members:** P. Julià  
D. Rogers

## **Summary of Facts and Submissions**

- I. The appeal lies against the decision of the Examining Division of the European Patent Office of 29 May 2013 whereby European patent application No. 06 790 840.0, published as EP-A1-1 948 802 with the title "Chimeric antigen containing hepatitis C virus polypeptide and Fc fragment for eliciting an immune response", was refused.
  
- II. The appellant filed a notice of appeal on 16 July 2013 and paid the appeal fee on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
  
- III. By communication of 28 November 2013 sent by registered letter with advice of delivery, the EPO informed the appellant 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 reestablishment 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).

**Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



A. Wolinski

M. Wieser

Decision electronically authenticated