

Internal distribution code:

- (A) [-] Publication in OJ
- (B) [-] To Chairmen and Members
- (C) [-] To Chairmen
- (D) [X] No distribution

**Datasheet for the decision
of 22 September 2015**

Case Number: T 2019/14 - 3.3.04

Application Number: 09175437.4

Publication Number: 2168984

IPC: C07K16/24, C12N15/13,
C12N15/63, C12N5/10, C07K16/00,
A61K39/395, G01N33/577,
C12P21/08, A61P43/00

Language of the proceedings: EN

Title of invention:
Human antibodies that bind human IL-12 and methods for
producing

Patent Proprietor:
AbbVie Deutschland GmbH & Co KG

Opponent:
Janssen Biotech, Inc./Opposition withdrawn

Headword:

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**

European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 2019/14 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 22 September 2015

Appellant:
(Patent Proprietor)

AbbVie Deutschland GmbH & Co KG
Max-Planck-Ring 2a
65205 Wiesbaden (DE)

Representative:

Adams, Harvey Vaughan John
Mathys & Squire LLP
The Shard
32 London Bridge Street
London SE1 9SG (GB)

Decision under appeal:

**Decision of the Opposition Division of the
European Patent Office posted on 10 October 2014
revoking European patent No. 2168984 pursuant to
Article 101(3) (b) EPC.**

Composition of the Board:

Chairwoman G. Alt
Members: A. Chakravarty
M. Blasi

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the opposition division of 19 September 2014, posted on 10 October 2014, revoking the patent.
- II. The appellant filed a notice of appeal on 3 October 2014 and paid the appeal fee on the same day.
- III. By communication of 25 March 2015, 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 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:



P. Cremona

G. Alt

Decision electronically authenticated