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**Datasheet for the decision  
of 28 April 2016**

**Case Number:** T 1863/15 - 3.3.04

**Application Number:** 07803334.7

**Publication Number:** 2097102

**IPC:** A61K39/13

**Language of the proceedings:** EN

**Title of invention:**

COMBINATION VACCINE HAVING REDUCED POLIO VIRUS ANTIGEN  
QUANTITIES

**Patent Proprietor:**

GlaxoSmithKline Biologicals s.a.

**Opponents:**

Novartis Vaccines and Diagnostics, Inc. (withdrawn)  
SANOFI PASTEUR SA (withdrawn)  
Crucell Holland B.V.

**Headword:**

**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 1863/15 - 3.3.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.04**  
**of 28 April 2016**

**Appellant:** GlaxoSmithKline Biologicals s.a.  
(Patent Proprietor) rue de l'Institut 89  
1330 Rixensart (BE)

**Representative:** Dalton, Marcus Jonathan William  
GlaxoSmithKline  
Global Patents (CN925.1)  
980 Great West Road  
Brentford, Middlesex TW8 9GS (GB)

**Respondent:** Crucell Holland B.V.  
(Opponent 3) Archimedesweg 4  
2333 CN Leiden (NL)

**Representative:** Chapman, Desmond Mark  
Carpmaels & Ransford LLP  
One Southampton Row  
London WC1B 5HA (GB)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 22 July 2015  
revoking European patent No. 2097102 pursuant to  
Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chairwoman** G. Alt  
**Members:** B. Claes  
L. Bühler

### **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the opposition division posted on 22 July 2015 revoking European patent No. 2 097 102.
- II. The patent proprietor (appellant) filed a notice of appeal on 22 September 2015 and paid the appeal fee on the same day.
- III. By communication of 8 January 2016, 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**

1. 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.
2. 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