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**Datasheet for the decision
of 1 August 2016**

Case Number: T 0218/16 - 3.3.04

Application Number: 10178205.0

Publication Number: 2269637

IPC: A61K39/145, A61P31/12

Language of the proceedings: EN

Title of invention:

Influenza Vaccine

Applicants:

GlaxoSmithKline Biologicals S.A.
GlaxoSmithKline Biologicals, Niederlassung der
SmithKline Beecham Pharma GmbH & Co. KG

Headword:

Influenza Vaccine/GLAXO

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Admissibility of appeal (no) - 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 0218/16 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 1 August 2016

Appellants:

(Joint Applicants)

GlaxoSmithKline Biologicals S.A.
Rue de l'Institut, 89
1330 Rixensart (BE)

GlaxoSmithKline Biologicals, Niederlassung der
SmithKline Beecham Pharma GmbH & Co. KG
Zirkusstrasse 40
01069 Dresden (DE)

Representative:

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

Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted on 6 August 2015
refusing European patent application No.
10178205.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairwoman G. Alt
Members: B. Claes
M. Blasi

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division posted on 6 August 2015 refusing the application.
- II. The appellant filed a notice of appeal on 5 October 2015 and paid the appeal fee on the same day.
- III. By communication of 5 February 2016, received by the appellant on 17 February 2016, 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 of appeal 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:



A. Vottner

G. Alt

Decision electronically authenticated