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**Datasheet for the decision
of 27 February 2017**

Case Number: T 2038/16 - 3.3.04
Application Number: 04716992.5
Publication Number: 1605975
IPC: A61K39/40, A61K39/02,
A61K31/739, A61K35/74, A61P1/12
Language of the proceedings: EN

Title of invention:

Composition and method for the treatment and prevention of
enteric bacterial infections

Applicant:

Anadis Ltd.

Headword:

Enteric bacterial infections/ANADIS

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

Catchword:



Beschwerdekammern
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Chambres de recours

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Case Number: T 2038/16 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 27 February 2017

Appellant: Anadis Ltd.
(Applicant) 4 Capital Link Drive
Campbellfield, Victoria 3061 (AU)

Representative: Schüssler, Andrea
Kanzlei Huber & Schüssler
Truderinger Strasse 246
81825 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted on 16 March 2016
refusing European patent application No.
04716992.5 pursuant to Article 97(2) EPC.

Composition of the Board:

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

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division of 1 March 2016, posted on 16 March 2016, refusing the European patent application No. 04716992.5.
- II. The appellant filed a notice of appeal on 17 May 2016 and paid the appeal fee on the same day.
- III. The Registry of the Board informed the appellant by a communication of 12 September 2016, which it duly received, 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.

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 Rules 126(2) and 131 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