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**Datasheet for the decision  
of 13 June 2017**

**Case Number:** T 2718/16 - 3.3.08

**Application Number:** 03767351.4

**Publication Number:** 1579002

**IPC:** C12Q1/68

**Language of the proceedings:** EN

**Title of invention:**

Methods to verify the efficiency of sample preparation and nucleic acid amplification and/or detection

**Patent Proprietor:**

Geneohm Sciences Canada, Inc.

**Opponent:**

Strawman Limited

**Headword:**

Sample preparation/GENEOHM

**Relevant legal provisions:**

EPC Art. 108

**Keyword:**

Missing statement of grounds of appeal  
Appeal inadmissible (yes)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
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Case Number: T 2718/16 - 3.3.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.08**  
**of 13 June 2017**

**Appellant:** STRAWMAN LIMITED  
(Opponent) 34 Lovedon Lane  
Winchester,  
Hampshire, SO23 7NU (GB)

**Representative:** Zwicker, Jörk  
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**Respondent:** Geneohm Sciences Canada, Inc.  
(Patent Proprietor) 2555, Boul. du Parc technologique,  
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**Representative:** Pohlman, Sandra M.  
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**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 12 October 2016  
rejecting the opposition filed against European  
patent No. 1579002 pursuant to  
Article 101(2) EPC.**

**Composition of the Board:**

**Chairman** P. Julià  
**Members:** M. R. Vega Laso  
D. Rogers

## **Summary of Facts and Submissions**

- I. The appeal lies against a decision of an opposition division of the European Patent Office dated 12 October 2016 whereby an opposition to the grant of European patent No. 1 579 002 (application No. 03 767 351.4) with the title "Methods to verify the efficiency of sample preparation and nucleic acid amplification and/or detection" was rejected under Article 101(2) EPC.
- II. The opponent (appellant) filed a notice of appeal on 20 December 2016 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 a communication dated 27 March 2017 sent by registered letter with advice of delivery, the appellant was informed that no written 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.
- IV. No reply was received. On 13 June 2017, the Board's registrar telephoned the appellant's representative who then confirmed that the appellant did not wish to proceed with the appeal and that the appeal procedure could be terminated.

## **Reasons for the Decision**

As 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, and as the notice of appeal contains any statements that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC and Rule 99(2) EPC, 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 Chairman:



A. Wolinski

P. Julià

Decision electronically authenticated