

Internal distribution code:

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

**Datasheet for the decision
of 14 September 2017**

Case Number: T 1355/17 - 3.3.04

Application Number: 14170557.4

Publication Number: 2799085

IPC: A61K38/09, A61P35/00

Language of the proceedings: EN

Title of invention:

Method of treating prostate cancer with GnRH antagonist

Applicant:

Ferring B.V.

Headword:

Prostate cancer/FERRING

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 1355/17 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 14 September 2017

Appellant: Ferring B.V.
(Applicant) Polaris Avenue 144
2132 JX Hoofddorp (NL)

Representative: Bates, Philip Ian
Reddie & Grose LLP
The White Chapel Building
10 Whitechapel High Street
London E1 8QS (GB)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 2 January 2017 refusing European patent application No. 14170557.4 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairwoman G. Alt
Members: R. Morawetz
L. Bühler

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the examining division posted on 2 January 2017, refusing European patent application No. 14 170 557.4.
- II. The applicant filed a notice of appeal on 2 March 2017 and paid the appeal fee on the same day.
- III. The Registry of the Board informed the applicant by communication of 19 June 2017, notified by registered letter with advice of delivery, 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 applicant was informed that any observations had to be filed within two months of notification of the communication.
- IV. The applicant did not file observations in response to the communication.

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) 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