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**Datasheet for the decision
of 26 October 2018**

Case Number: T 1113/18 - 3.3.04

Application Number: 11824164.5

Publication Number: 2614084

IPC: C07K16/28, A61K39/395,
A61K9/127, C12N15/13,
A61P29/00, A61P35/00

Language of the proceedings: EN

Title of invention:

ANTI-HUMAN FOLATE RECEPTOR BETA ANTIBODIES AND METHODS OF USE

Applicant:

Purdue Research Foundation
The United States of America, as represented by
The Secretary, Department of Health and
Human Services

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



Beschwerdekammern
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Chambres de recours

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Case Number: T 1113/18 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 26 October 2018

Appellant: Purdue Research Foundation
(Applicant 1) 1281 Win Hentschel Boulevard
West Lafayette, IN 47906-2038 (US)

Appellant: The United States of America, as represented by
(Applicant 2) The Secretary, Department of Health and
Human Services
Office of Technology Transfer
National Institutes of Health
6011 Executive Boulevard
Suite 325
MSC 7660
Bethesda, Maryland 20892-7660 (US)

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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 6 November 2017
refusing European patent application No.
11824164.5 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chair G. Alt
Members: A. Chakravarty
L. Bühler

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division of 19 October 2017, posted on 6 November 2017, to refuse European patent application No. 11 824 164.5 .
- II. The appellants filed a notice of appeal on 11 January 2018 and paid the appeal fee on the same day.
- III. By communication of 8 May 2018, 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

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. 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 Chair:



P. Cremona

G. Alt

Decision electronically authenticated