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**Datasheet for the decision
of 9 January 2019**

Case Number: T 1622/18 - 3.3.08

Application Number: 09701421.1

Publication Number: 2240595

IPC: C12N9/10, C12P19/18, C07K16/12,
C12P21/00

Language of the proceedings: EN

Title of invention:
GLYCOSYLATED PROTEIN EXPRESSION IN PROKARYOTES

Patent Proprietor:
Cornell Research Foundation, Inc.

Opponent:
GlaxoSmithKline Biologicals S.A.

Headword:
Glycosylated protein expression/CORNELL RESEARCH FOUNDATION

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Keyword:
Missing statement of grounds of appeal

Decisions cited:

Catchword:



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Case Number: T 1622/18 - 3.3.08

D E C I S I O N
of Technical Board of Appeal 3.3.08
of 9 January 2019

Appellant:
(Opponent)

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Respondent:
(Patent Proprietor)

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Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted on
12 April 2018 concerning maintenance of the
European Patent No. 2240595 in amended form.**

Composition of the Board:

Chairman B. Stolz
Members: M. R. Vega Laso
 D. Rogers

Summary of Facts and Submissions

- I. The appeal lies from an interlocutory decision of an opposition division posted on 12 April 2018. In the decision under appeal the opposition division found that, account being taken of the amendments made by the patent proprietor during the opposition proceedings, the patent and the invention to which it relates met the requirements of the European Patent Convention.
- II. The opponent (appellant) filed a notice of appeal on 22 June 2018 and paid the appeal fee on the same day.
- III. By a communication dated 28 September 2018, which according to the advice of delivery was received by the appellant on 10 October 2018, the registry of the board informed the appellant that it appeared from the file that a 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 Chairman:



L. Malécot-Grob

B. Stolz

Decision electronically authenticated