BESCHWERDEKAMMERN   **BOARDS OF APPEAL OF**   **CHAMBRES DE RECOURS**
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Datasheet for the decision
of 28 June 2019

Case Number:	T 2625/18 - 3.3.07
Application Number:	11726020.8
Publication Number:	2579897
IPC:	A61K47/48
Language of the proceedings:	EN

Title of invention:
CYSTEINE ENGINEERED ANTIBODIES AND CONJUGATES

Applicant:
Genentech, Inc.

Headword:
Missing statement of grounds

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1)

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:

Case Number: T 2625/18 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 28 June 2019

Appellant:	Genentech, Inc.
(Applicant)	1 DNA Way
	South San Francisco, CA 94080 (US)

Representative:	Mewburn Ellis LLP
	City Tower
	40 Basinghall Street
	London EC2V 5DE (GB)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 2 May 2018 refusing European patent application No. 11726020.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	J. Riolo
Members:	A. Usuelli
	P. Schmitz

Summary of Facts and Submissions

I.   The appeal is directed against the decision of the
        Examining Division of 2 May 2018, posted on 2 May 2018.

II.   The appellant filed a notice of appeal on 10 July 2018
        and paid the appeal fee on the same day. It requested
        that the decision under appeal be set aside and that
        the application be remitted to the examining division
        for grant or further prosecution on the basis of the
        main request or an auxiliary request filed in these
        proceedings. As a precaution, oral proceedings were
        requested if the Board intended not to remit the
        application on the basis of the main request, or
        intended to reject the appeal as inadmissible.

III.   By communication of 31 October 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.   On 14 March 2019, the Board informed the appellant that
        they assumed that the appellant's request for oral
        proceedings did not apply to the issue of
        inadmissibility of the appeal for not having filed the
        statement of grounds of appeal and that if no
        observations were filed within two months, a written
        decision rejecting the appeal as inadmissible would be
        issued.

V.   No reply was received.

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) 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).

2. Since the appellant did not file any response to the
   Board's communication of 14 March 2019, the Board could
   assume that the request for oral proceedings did not apply
   to the present constellation and therefore could decide
   without oral proceedings.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar: The Chairman:

B. Atienza Vivancos   J. Riolo

Decision electronically authenticated