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**Datasheet for the decision
of 1 August 2019**

Case Number: T 0003/19 - 3.3.08

Application Number: 09797036.2

Publication Number: 2379708

IPC: C12N1/21, C12N9/12, C12N9/10

Language of the proceedings: EN

Title of invention:
SYNTHESIS OF FUCOSYLATED COMPOUNDS

Patent Proprietor:
Jennewein Biotechnologie GmbH

Opponent:
BASF SE

Headword:
Fucosylated compounds/JENNEWEIN BIOTECHNOLOGIES

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 0003/19 - 3.3.08

D E C I S I O N
of Technical Board of Appeal 3.3.08
of 1 August 2019

Appellant: BASF SE
(Opponent) Carl-Bosch-Str. 38
67056 Ludwigshafen (DE)

Representative: Altmann Stößel Dick Patentanwälte PartG mbB
Dudenstrasse 46
68167 Mannheim (DE)

Respondent: Jennewein Biotechnologie GmbH
(Patent Proprietor) Maarweg 32
53619 Rheinbreitbach (DE)

Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted on 19 October 2018 rejecting the opposition filed against European patent No. 2379708 pursuant to Article 101(2) EPC.**

Composition of the Board:

Chairman B. Stolz
Members: D. Pilat
D. Rogers

Summary of Facts and Submissions

- I. The appeal lies from a decision of an opposition division, posted on 19 October 2018, to reject the opposition against European patent No 2379708 under Article 101(2) EPC.
- II. The opponent (appellant) filed a notice of appeal on 21 December 2018 and paid the appeal fee on the same day.
- III. By communication of 22 March 2019, which according to the advice of delivery was received by the appellant on 25 March 2019, 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 Chairman:



L. Malécot-Grob

B. Stolz

Decision electronically authenticated