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D E C I S I O N
of 30 January 2002

Case Number: T 1122/00 - 3.3.4

Application Number: 91920794.4

Publication Number: 0554389

IPC: C12N 15/49

Language of the proceedings: EN

Title of invention:
Molecular clones of HIV-1 and uses thereof

Patentee:
THE UNITED STATES OF AMERICA

Appellant and Opponent:
Vaxgen, Inc.

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-

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Case Number: T 1122/00 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 30 January 2002

Appellant:
(Opponent)

Vaxgen, Inc.
1000 Marina Boulevard
Brisbane
California CA 94005-1841 (US)

Representative:

Kiddle, Simon John
Mewburn Ellis
York House
23 Kingsway
London WC2B 6HP (GB)

Respondent:
(Proprietor of the patent)

THE UNITED STATES OF AMERICA
represented by the Secretary
Department of Health and Human Services
6011 Executive Boulevard
Rockville
Maryland 20852 (US)

Representative:

Vossius, Volker, Dr.
Dr. Volker Vossius
Patentanwaltskanzlei - Rechtsanwaltskanzlei
Holbeinstrasse 5
D-81679 München (DE)

Decision under appeal: Interlocutory decision of the Opposition Division of the European Patent Office posted 21 September 2000 concerning maintenance of European patent No. 0 554 389 in amended form.

Composition of the Board:

Chairwoman: U. M. Kinkeldey
Members: F. L. Davison-Brunel
S. C. Perryman

Summary of Facts and Submissions

I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 21 September 2000 concerning maintenance of European Patent No. 0 554 389 in amended form.

The appellant (opponent) filed a notice of appeal on 23 November 2000 and paid the fee for appeal on the same day.

No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

II. By a communication dated 24 August 2001 sent by registered letter with advice of delivery, the registry of the Board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible.

The appellant was invited to file observations within two months.

Attention was also drawn to Article 122 EPC.

III. No answer has been given to the registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Rule 65(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar: The Chairwoman:

P. Cremona U. Kinkeldey