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D E C I S I O N
of 26 September 2002

Case Number: T 0229/02 - 3.3.4

Application Number: 90914564.1

Publication Number: 0444186

IPC: A61K 39/39

Language of the proceedings: EN

Title of invention:

Pharmaceutical composition that makes cells expressing MHC CLASS II antigens targets for cytotoxic T-cells

Patentee:

Pharmacia & Upjohn Aktiebolag

Opponent:

Terman D.S.

Headword:

MHC CLASS II Antigens/Pharmacia

Relevant legal provisions:

EPC Art. 108
EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0229/02 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 26 September 2002

Respondent: Terman D.S.
(Opponent) 3183 Palermo Way
Pebble Beach, California CA 93953 (CA)

Representative: Wichmann, Hendrik, Dr.
Patent- und Rechtsanwälte
Bardehle, Pagenberg, Dost, Altenburg, Geissler,
Isenbruck
Galileiplatz 1
D-81679 München (DE)

Appellant: Pharmacia & Upjohn Aktiebolag
(Proprietor of the patent) S-11287 Stockholm (SE)

Representative: Woods, Geoffrey Corlett
J.A. KEMP & CO.
Gray's Inn
14 South Square
London WC1R 5JJ (GB)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 17 December
2001 concerning maintenance of European patent
No. 0 444 186 in amended form.

Composition of the Board:

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

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dated 17 December 2001 concerning maintenance of European Patent No. 0 444 186 in amended form.

The appellant (patent proprietor) filed a notice of appeal on 26 February 2002 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 4 June 2002 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