

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

D E C I S I O N
of 31 May 2005

Case Number: T 1330/04 - 3.3.8

Application Number: 95939230.9

Publication Number: 0796324

IPC: C12N 9/96

Language of the proceedings: EN

Title of invention:
Polypeptide with reduced allergenicity

Patentee:
Novozymes A/S

Opponent:
-

Headword:
-

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

Keyword:
"Missing statement of grounds - appeal inadmissible"

Decisions cited:
-

Catchword:
-



Case Number: T 1330/04 - 3.3.8

D E C I S I O N
of the Technical Board of Appeal 3.3.8
of 31 May 2005

Appellant: Novozymes A/S
Krogshøjvej 36
DK-2880 Bagsvaerd (DK)

Representative: -

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 28 May 2004
refusing European application No. 95939230.9
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: L. Galligani
Members: T. J. H. Mennessier
S. C. Perryman

Summary of Facts and Submissions

- I. The applicant (appellant) filed on 16 July 2004 a notice of appeal against the decision of the examining division dated 28 May 2004 whereby the European Patent application No. 95 939 230.9 (published as EP-A-0 796 324) entitled "Polypeptide with reduced allergenicity" was refused under Articles 23(2), 54(1) and (2), 56, 82 and 84 EPC. The appeal fee was paid on 16 July 2004. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 21 December 2004 sent by registered letter with advice of delivery, the Registry of the Board of Appeal informed the appellant that no statement of grounds had been filed and that therefore the appeal had to be rejected as inadmissible. The appellant was invited to file observations within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC. The appellant did not reply to said communication. Nor was the request for re-establishment of rights filed within the prescribed time limit.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as statement of grounds of appeal according to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman.

A. Wolinski

L. Galligani