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D E C I S I O N
of 18 May 2006

Case Number: T 1099/05 - 3.3.08

Application Number: 95916204.1

Publication Number: 0758381

IPC: C12N 15/12

Language of the proceedings: EN

Title of invention:
Biologically active EPH family ligands

Patentee:
REGENERON PHARMACEUTICALS, INC.

Opponent:
Amgen Inc.

Headword:
Ligands/REGENERON

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

Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-



Case Number: T 1099/05 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 18 May 2006

Appellant: REGENERON PHARMACEUTICALS, INC.
(Proprietor of the patent) 777 Old Saw Mill River Road
Tarrytown, NY 10591-6707 (US)

Representative: Duckworth, Timothy John
J.A. Kemp & Co.,
14 South Square
Gray's Inn
London WC1R 5JJ (GB)

Respondent: Amgen Inc.
(Opponent) 27-4-A, One Amgen Center Drive
Thousand Oaks CA 91320-1789 (US)

Representative: Vogelsang-Wenke, Heike
Grünecker, Kinkeldey,
Stockmair & Schwanhäusser
Anwaltssozietät
Maximilianstrasse 58
D-80538 München (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
8 June 2005 concerning maintenance of European
patent No. 0758381 in amended form.

Composition of the Board:

Chairman: L. Galligani
Members: F. Davison-Brunel
C. Rennie-Smith

Summary of Facts and Submissions

- I. Patentee (appellant) filed on 17 August 2005 a notice of appeal against the decision of the opposition division dated 8 June 2005 whereby the European patent No. 0 758 381 with the title "Biologically active EPH family ligands" was maintained in amended form under Article 102(3) EPC. The appeal fee was paid on the same day. No statement of grounds of appeal was filed.
- II. By a communication dated 19 December 2005 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, 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 a request for re-establishment of rights filed.

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 a 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