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**Datasheet for the decision  
of 13 April 2007**

**Case Number:** T 1780/06 - 3.3.08

**Application Number:** 98937141.4

**Publication Number:** 1100885

**IPC:** C12N 15/00

**Language of the proceedings:** EN

**Title of invention:**

Rapid subcloning using site-specific recombination

**Applicant:**

BAYLOR COLLEGE OF MEDICINE

**Opponent:**

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**Headword:**

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**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 1780/06 - 3.3.08

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.08  
of 13 April 2007

**Appellant:** BAYLOR COLLEGE OF MEDICINE  
One Baylor Plaza  
Houston  
TX 77030 (US)

**Representative:** UEXKÜLL & STOLBERG  
Patentanwälte  
Beselerstrasse 4  
D-22607 Hamburg (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 18 May 2006  
refusing European application No. 98937141.4  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** L. Galligani  
**Members:** T. J. H. Mennessier  
C. Rennie-Smith

## **Summary of Facts and Submissions**

- I. The applicant (appellant) filed on 18 July 2006 a notice of appeal against the decision of the examining division dated 18 May 2006 whereby the European Patent application No. 98 937 141.4 (published as International application WO 00/05355) entitled "Rapid subcloning using site-specific recombination" was refused under Article 97(1) EPC for reason of non compliance with the requirements of Articles 54 and 56 EPC. The appeal fee was paid on 18 July 2006. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 22 December 2006 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. 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 that communication, and no request for re-establishment of rights was 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 a statement of grounds of appeal pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with

Rule 65(1) EPC). Since the appeal is inadmissible, none of the requests in the notice of appeal, including the request for oral proceedings, can be considered.

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Magliano

L. Galligani