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**Datasheet for the decision  
of 30 January 2009**

**Case Number:** T 1278/08 - 3.3.04

**Application Number:** 99943915.1

**Publication Number:** 1105517

**IPC:** C12Q 1/00

**Language of the proceedings:** EN

**Title of invention:**

Rapid quantitative analysis of proteins or protein function in complex mixtures

**Patentee:**

University of Washington

**Opponent:**

Proteome Sciences plc

**Headword:**

Rapid quantitative analysis of proteins/UNIVERSITY OF WASHINGTON

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Relevant legal provisions (EPC 1973):**

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**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1278/08 - 3.3.04

**DECISION**  
of the Technical Board of Appeal 3.3.04  
of 30 January 2009

**Appellant:** Proteome Sciences plc  
(Opponent) Coveham House, Downside Bridge Road, Cobham  
Surrey, KT11 3EP (GB)

**Representative:** Hill, Christopher Micheal  
Page White & Farrer  
Bedford House  
John Street  
London WC1N 2BF (GB)

**Respondent:** University of Washington  
(Patent Proprietor) Office of Technology Transfer  
JD-50  
1107 NE 45th Street  
Suite 200  
Seattle, WA 98105 (US)

**Representative:** Fisher, Adrian John  
CARPMAELS & RANSFORD  
43-45 Bloomsbury Square  
London WC1A 2RA (GB)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
19 March 2008 concerning maintenance of  
European patent No. 1105517 in amended form.

**Composition of the Board:**

**Chair:** U. Kinkeldey  
**Members:** M. Wieser  
F. Blumer

## **Summary of Facts and Submissions**

- I. The appeal concerns the interlocutory decision of the opposition division of the European Patent Office posted on 19 March 2008 according to which the European patent No. 1 105 117 in amended form complies with the requirements of the EPC.
- II. The appellant (opponent) filed a notice of appeal on 16 May 2008 and paid the fee for appeal on the same day.
- III. No statement of grounds was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
- IV. By communication dated 4 September 2008, 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; further, the appellant was requested to make clear if the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal has not been filed.
- V. The appellant, by letter dated 11 September 2008, stated that the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal has not been filed.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal had been filed, the appeal has to be rejected as inadmissible (Rule 101(1) EPC in conjunction with Article 108 EPC).

## **Order**

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

The appeal is rejected as inadmissible.

Registrar:

Chair:

P. Cremona

U. Kinkeldey