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**Datasheet for the decision  
of 1 July 2009**

**Case Number:** T 0031/09 - 3.3.04

**Application Number:** 01908789.9

**Publication Number:** 1253942

**IPC:** C07K 16/28

**Language of the proceedings:** EN

**Title of invention:**  
CD40-BINDING APC-ACTIVATING MOLECULES

**Applicant:**  
PanGenetics B.V.

**Headword:**  
CD40/APC PanGenetics

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 101(1)

**Keyword:**  
"Missing statement of grounds"

**Decisions cited:**  
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**Catchword:**  
-



Case Number: T 0031/09 - 3.3.04

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.04  
of 1 July 2009

**Appellant:** PanGenetics B.V.  
(Applicant) Yalelaan 46  
NL-3584 CM Utrecht (NL)

**Representative:** Prins, Adrianus Willem  
Vereenigde  
P.O.Box 87930  
NL-2508 DH Den Haag (NL)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 10 July 2008  
refusing European patent application  
No. 01908789.9 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chair:** U. Kinkeldey  
**Members:** R. Gramaglia  
D. S. Rogers

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 10 July 2008 concerning refusal of the European Patent application No. 01 908 789.9.
  
- II. The appellant (applicant) filed a notice of appeal on 9 September 2008 and paid the appeal fee 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 15 January 2009, 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.
  
- V. No observations were filed in response to the communication dated 15 January 2009.

## **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