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**Datasheet for the decision
of 25 November 2009**

Case Number: T 1127/09 - 3.3.08

Application Number: 01966434.1

Publication Number: 1315823

IPC: C12N 15/87

Language of the proceedings: EN

Title of invention:

Methods for stable transduction of cells with viral vectors

Applicant:

VIRxSYS Corporation

Headword:

Viral vectors/VIRxSYS Corporation

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 1127/09 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 25 November 2009

Appellant: VIRxSYS Corporation
200 Perry Parkway
Suite 1A
Gaithersburg, MD 20877 (US)

Representative: Irvine, Jonquil Claire
Marks & Clerk LLP
4220 Nash Court
Oxford Business Park South
Oxford OX4 2RU (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 15 December 2008
refusing European patent application
No. 01966434.1 pursuant to Article 97(2) EPC.

Composition of the Board:

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

Summary of Facts and Submissions

- I. The applicant (appellant) filed on 25 February 2009 a notice of appeal against the decision of the examining division dated 15 December 2008, whereby the European patent application No. 01 966 434.1 (published as WO 02/18609) entitled "Methods for stable transduction of cells with viral vectors" was refused pursuant to Article 97(2) EPC. The appeal fee was paid on the same day. On 24 April 2009, the appellant advised the board that no statement of grounds of appeal would be filed. Indeed, no statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 29 June 2009 sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months but did not reply to said communication.

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 any statements 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 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

A. Wolinski

L. Galligani