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**Datasheet for the decision
of 10 October 2011**

Case Number: T 1163/11 - 3.3.08

Application Number: 05019268.1

Publication Number: 1624064

IPC: C12N 15/31, C07K 14/315,
C07K 16/12, A61K 31/70,
A61K 39/09, G01N 33/53,
G01N 33/68, C12Q 1/68

Language of the proceedings: EN

Title of invention:
Nucleic acids and proteins from streptococcus pneumoniae

Patentee:
Sanofi Pasteur Limited

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 101

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1163/11 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 10 October 2011

Appellant:
(Applicant)

Sanofi Pasteur Limited
1755 Steeles Avenue West
Toronto
ON M2R 3T4 (CA)

Representative:

Hart, Deborah Mary
Kilburn & Strode LLP
20 Red Lion Street
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Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 10 December 2010
refusing European patent application
No. 05019268.1 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: M. Wieser
Members: B. Stolz
R. Moufang

Summary of Facts and Submissions

- I. The appeal lies against the decision of the Examining Division of the European Patent Office of 10 December 2010 whereby the European Patent application No. 05019268.1 (published as EP-A-1624064) entitled "Nucleic acids and proteins from streptococcus pneumoniae" was refused.
- II. The appellant filed a notice of appeal on 9 February 2011 and paid the appeal fee on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- III. By communication of 10 June 2011, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed and that it was therefore 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 informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed

contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

A. Wolinski

M. Wieser