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**Datasheet for the decision
of 17 July 2012**

Case Number: T 1208/11 - 3.3.04

Application Number: 02717703.9

Publication Number: 1379125

IPC: A01K 67/027, A01K 67/033,
C12P 21/00, C07K 16/00,
C12N 5/00, C12N 5/06

Language of the proceedings: EN

Title of invention:
Transgenic animals expressing antibodies specific for genes of
interest and uses thereof

Applicant:
Abbott GmbH & Co. KG

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1)

Keyword:
"Missing statement of grounds of Appeal"

Decisions cited:
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Catchword:
-



Case Number: T 1208/11 - 3.3.04

D E C I S I O N
of the Technical Board of Appeal 3.3.04
of 17 July 2012

Appellant: Abbott GmbH & Co. KG
(Applicant) Max-Planck-Ring 2
D-65205 Wiesbaden (DE)

Representative: Modiano, Micaela Nadia
Modiano Josif Pisanty & Staub Ltd
Thierschstrasse 11
D-80538 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 13 December 2010
refusing European patent application
No. 02717703.9 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: C. Rennie-Smith
Members: B. Claes
R. Gramaglia

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 13 December 2010 refusing European patent application No. 02717703.9.

The appellant filed a notice of appeal on 11 February 2011 and paid the appeal fee on the same day.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

II. In a communication dated 10 June 2011, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. The appellant filed no observations in response to said communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

P. Cremona

C. Rennie-Smith