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

**Case Number:** T 1716/11 - 3.3.02

**Application Number:** 05791957.3

**Publication Number:** 1796666

**IPC:** A61K 31/4375, A61P 3/06,  
A61P 9/00, A61P 9/10,  
A61K 31/4725

**Language of the proceedings:** EN

**Title of invention:**

Methods and compositions for the treatment of hyperlipidemia

**Applicant:**

Institute of Medicinal Biotechnology, Chinese  
Academy of Medical Sciences

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

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

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**Keyword:**

"Missing statement of grounds of appeal"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1716/11 - 3.3.02

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.02  
of 10 November 2011

**Appellant:**  
(Applicant) Institute of Medicinal Biotechnology, Chinese  
Academy of Medical Sciences  
Tiantan Xili No 1  
Beijing 100050 (CN)

**Representative:** Walker, Ross Thomson  
Forrester & Boehmert  
Pettenkoferstraße 20-22  
D-80336 München (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 21 January 2011  
refusing European patent application  
No. 05791957.3 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** U. Oswald  
**Members:** D. Boulois  
L. Bühler

## **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Examining Division posted on 21 January 2011 revoking European patent application No. 05791957.3.
- II. The appellant filed a notice of appeal on 30 January 2011 and paid the appeal fee on the same day.
- III. By communication of 16 August 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**

1. 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:

N. Maslin

U. Oswald