

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

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

Case Number: T 0893/12 - 3.3.08

Application Number: 00916559.8

Publication Number: 1165792

IPC: C12N 15/29

Language of the proceedings: EN

Title of invention:

Plant centromeres

Applicant:

The University of Chicago

Headword:

Plant centromeres/UNIVERSITY OF CHICAGO

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0893/12 - 3.3.08

D E C I S I O N
of the Technical Board of Appeal 3.3.08
of 17 September 2012

Appellant: The University of Chicago
(Applicant) 5841 S. Maryland
Chicago, IL 60637 (US)

Representative: Harding, Charles Thomas
D Young & Co LLP
120 Holborn
London EC1N 2DY (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 2 November 2011
refusing European patent application
No. 00916559.8 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: M. Wieser
Members: M. R. Vega Laso
R. Moufang

Summary of Facts and Submissions

- I. On 13 December 2011 the applicant (appellant) filed a notice of appeal against the decision of the examining division dated 2 November 2011 refusing the European patent application No. 00916559.8 (published as EP-A-1165792) with the title "Plant centromeres" pursuant to Article 97(2) EPC. In the notice of appeal, oral proceedings were requested if the board intended to find against the appellant in any way. The appeal fee was paid on 16 December 2011. However, no statement of grounds of appeal was filed within the time limit set by Article 108 EPC.
- II. By a communication dated 7 May 2012 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, and Rule 101(1) EPC. The appellant was invited to file observations within two months. The appellant did not reply to the communication within the prescribed time limit, and no request for re-establishment of rights was filed. On 7 September 2012 the appellant withdrew its request for oral proceedings.

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

M. Wieser