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**Datasheet for the decision
of 28 August 2012**

Case Number: T 1008/12 - 3.3.04
Application Number: 06820586.3
Publication Number: 1962897
IPC: A61K39/04, A61K39/05, A61P33/00
Language of the proceedings: EN

Title of invention:

USE OF WHOLE BACTERIAL CELLS (ACTINOMYCETALES) FOR MATERNAL
ADMINISTRATION TO MODULATE OFFSPRING IMMUNE RESPONSE

Applicant:

BioEos Limited

Headword:

USE OF WHOLE BACTERIAL CELLS/BioEos Limited

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1008/12 - 3.3.04

D E C I S I O N
of the Technical Board of Appeal 3.3.04
of 28 August 2012

Appellant: BioEos Limited
(Applicant) 67 Lakers Rise
Woodmansterne
Surrey SM7 3LA (ROYAUME UNI)

Representative: Williams, Aylsa
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120 Holborn
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted 15 November 2011 refusing European patent application No. 06820586.3 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: C. Rennie-Smith
Members: R. Gramaglia
G. Alt

Summary of Facts and Submissions

- I. The appeal is against the decision of the Examining Division of the European Patent Office dated 15 November 2011 refusing European patent application No. 06820586.3.
- II. The appellant (applicant) filed a notice of appeal on 13 December 2011 and paid the fee for appeal on 30 December 2011.
- III. No statement of grounds was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
- IV. By communication dated 4 May 2012, sent by registered letter with advice of delivery, the Registry of the board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.
- V. The appellant filed no observations in response to said communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Rule 101(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



P. Cremona

C. Rennie-Smith

Decision electronically authenticated