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**Datasheet for the decision
of 9 October 2013**

Case Number: T 1283/13 - 3.3.08

Application Number: 05787106.3

Publication Number: 1807510

IPC: C12N5/08, C12N5/06, A61K35/12,
A61K35/28, A61P9/00

Language of the proceedings: EN

Title of invention:
MULTIPOTENTIAL EXPANDED MESENCHYMAL PRECURSOR CELL PROGENY
(MEMP) AND USES THEREOF

Applicant:
Mesoblast, Inc.

Headword:

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 1283/13 - 3.3.08

D E C I S I O N
of Technical Board of Appeal 3.3.08
of 9 October 2013

Appellant: Mesoblast, Inc.
(Applicant) 275 Madison Avenue 4th Floor
New York NY 10016 (US)

Representative: O'Neill, Michelle
Harrison IP
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Northfield Lane
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 4 December 2012
refusing European patent application No.
05787106.3 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: M. Wieser
Members: B. Stolz
J. Geschwind

Summary of Facts and Submissions

- I. The appeal lies against the decision of the Examining Division of the European Patent Office of 4 December 2012 whereby the European Patent application No. 05787106.3 (published as EP-A-1807510) entitled "Multipotential expanded mesenchymal precursor cell progeny (MEMP) and uses thereof" was refused.
- II. The appellant filed a notice of appeal on 1 February 2013 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 11 June 2013, 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

Decision electronically authenticated