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**Datasheet for the decision
of 7 October 2014**

Case Number: T 1131/14 - 3.3.07

Application Number: 06773195.0

Publication Number: 1919457

IPC: A61K9/24, A61K9/26, A61K31/675,
A61K31/513, A61K31/535,
A61P31/18

Language of the proceedings: EN

Title of invention:
STABLE FIXED-DOSE UNITARY FORMULATION, CONTAINING TENOFOVIR, A
SUFECTANT, EFAVIRENZ AND EMTRICITABINE

Applicant:
Bristol-Myers Squibb & Gilead Sciences, LLC

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1), 126(2)

Keyword:
Admissibility of appeal - missing statement of grounds



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 1131/14 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 7 October 2014

Appellant: Bristol-Myers Squibb & Gilead Sciences, LLC
(Applicant) 333 Lakeside Drive
Foster City, CA 94404 (US)

Representative: Carpmaels & Ransford LLP
One Southampton Row
London WC1B 5HA (GB)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 4 December 2013
refusing European patent application No.
06773195.0 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman J. Riolo
Members: D. Semino
W. Ungler

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division of 24 October 2013, posted on 4 December 2013.
- II. The appellant filed a notice of appeal on 13 February 2014 and paid the appeal fee on the same day.
- III. By communication of 23 May 2014, 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:



S. Fabiani

J. Riolo

Decision electronically authenticated