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**Datasheet for the decision
of 22 September 2015**

Case Number: T 0033/15 - 3.3.04

Application Number: 06754599.6

Publication Number: 1896063

IPC: A61K39/095, A61K39/102,
A61K39/116

Language of the proceedings: EN

Title of invention:
Immunogenic composition

Patent Proprietor:
GlaxoSmithKline Biologicals s.a.

Opponent:
Novartis Vaccines and Diagnostics, Inc./Opposition withdrawn

Headword:

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Keyword:
"Missing statement of grounds"

Decisions cited:

Catchword:



Beschwerdekammern
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Chambres de recours

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Case Number: T 0033/15 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 22 September 2015

Appellant: GlaxoSmithKline Biologicals s.a.
(Patent Proprietor) rue de l'Institut 89
1330 Rixensart Brussels (BE)

Representative: Johnston, Caroline Louise
GlaxoSmithKline
Global Patents (CN925.1)
980 Great West Road
Brentford, Middlesex TW8 9GS (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted on
28 October 2014 concerning maintenance of the
European Patent No. 1896063 in amended form.

Composition of the Board:

Chairwoman G. Alt
Members: A. Chakravarty
L. Bühler

Summary of Facts and Submissions

- I. The appeal is directed against the interlocutory decision of the opposition division of 3 October 2014, posted on 28 October 2014, maintaining European Patent No. 1 896 063 in amended form.
- II. The patent proprietor filed a notice of appeal on 6 January 2015 and paid the appeal fee on the same day.
- III. The opponent filed a notice of appeal on 7 January 2015 and paid the appeal fee on the same day. With letter of 6 March 2015, the opponent withdrew its opposition.
- IV. By communication of 25 March 2015, received by the patent proprietor, 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.
- V. With letter dated 24 April 2015 the patent proprietor acknowledged receipt of the communication of 25 March 2015 and noted the inadmissibility of the appeal due to the statement of grounds of appeal not having been filed.

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 Chairwoman:



P. Cremona

G. Alt

Decision electronically authenticated