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**Datasheet for the decision
of 12 January 2017**

Case Number: T 1631/16 - 3.3.04

Application Number: 10832364.3

Publication Number: 2504025

IPC: A61K38/48, A61K38/36,
A61K38/43, A61K9/70, A61P27/16,
A61P19/00, A61K31/352,
A61K36/82, A61K9/00, A61K38/40,
A61K38/47

Language of the proceedings: EN

Title of invention:

Compositions and methods comprising Serratia peptidase for inhibition and treatment of biofilms related to certain conditions

Applicant:

Olmstead, Stephen F.

Headword:

Serratia/OLMSTEAD

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

Catchword:



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Case Number: T 1631/16 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 12 January 2017

Appellant: Olmstead, Stephen F.
(Applicant) 6155 Plumas St. Apt. 147
Reno, Nevada 89519-6005 (US)

Representative: Schüssler, Andrea
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Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 27 January 2016 refusing European patent application No. 10832364.3 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairwoman R. Morawetz
Members: B. Claes
M. Blasi

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the European Patent Office posted on 27 January 2016 refusing European patent application No. 10832364.3
- II. The appellant filed a notice of appeal on 6 April 2016 and paid the appeal fee on the same day.
- III. By communication of 18 July 2016, 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. The appellant filed no observations in response to said communication.

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 Rules 126(2) and 131 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

R. Morawetz

Decision electronically authenticated