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**Datasheet for the decision  
of 15 January 2019**

**Case Number:** T 1361/17 - 3.3.08

**Application Number:** 10703444.9

**Publication Number:** 2393922

**IPC:** C12N7/02

**Language of the proceedings:** EN

**Title of invention:**

Purification of virus or viral antigens by density gradient ultracentrifugation

**Applicant:**

GlaxoSmithKline Biologicals S.A.

**Headword:**

Purification of virus or viral antigens/GLAXOSMITHKLINE

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

Missing statement of grounds of appeal

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
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Case Number: T 1361/17 - 3.3.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.08**  
**of 15 January 2019**

**Appellant:** GlaxoSmithKline Biologicals S.A.  
(Applicant) Rue de l'Institut, 89  
1330 Rixensart (BE)

**Representative:** Dalton, Marcus Jonathan William  
GlaxoSmithKline  
Global Patents (CN925.1)  
980 Great West Road  
Brentford, Middlesex TW8 9GS (GB)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 25 November  
2016 refusing European patent application No.  
10703444.9 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** B. Stolz  
**Members:** M. Montrone  
J. Geschwind

### **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Examining Division posted on 25 November 2016 to refuse the European patent application No. 10 703 444.9.
- II. The applicant (hereinafter "appellant") filed a notice of appeal with the letter of 24 January 2017 and paid the appeal fee on the same day.
- III. By a communication dated 16 July 2018, which according to the advice of delivery was received by the appellant on 31 July 2018, 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:



L. Malécot-Grob

B. Stolz

Decision electronically authenticated