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**Datasheet for the decision  
of 7 December 2017**

**Case Number:** T 1731/17 - 3.3.08

**Application Number:** 10180046.4

**Publication Number:** 2284258

**IPC:** C12N9/54, C11D3/386

**Language of the proceedings:** EN

**Title of invention:**

Subtilase variants

**Applicant:**

Novozymes A/S

**Headword:**

Subtilase variants/NOVOZYMES

**Relevant legal provisions:**

EPC Art. 108

**Keyword:**

Missing statement of grounds of appeal

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
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Case Number: T 1731/17 - 3.3.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.08**  
**of 7 December 2017**

**Appellant:** Novozymes A/S  
(Applicant) Krogshøjvej 36  
2880 Bagsvaerd (DK)

**Decision under appeal:** **Decision of the Examining Division of the European Patent Office posted on 14 February 2017 refusing European patent application No. 10180046.4 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** B. Stolz  
**Members:** M. R. Vega Laso  
R. Winkelhofer

## **Summary of Facts and Submissions**

- I. The appeal lies from a decision of an examining division posted on 14 February 2017, refusing the European patent application No. 10180046.4 (publication No. 2 284 258) with the title "Subtilase variants" under Article 97(2) EPC.
- II. The appellant filed a notice of appeal on 7 April 2017 and paid the appeal fee on the same day. In the notice of appeal, oral proceedings were requested.
- III. By communication of 16 August 2017, 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 contain 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). Since the appeal is inadmissible, none of the requests in the notice of appeal, including the request for oral proceedings, can be considered.

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



A. Wolinski

B. Stolz

Decision electronically authenticated