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**Datasheet for the decision
of 16 April 2020**

Case Number: T 3041/19 - 3.3.01

Application Number: 11836905.7

Publication Number: 2632268

IPC: A61K31/415, C07D401/14,
C07D405/14, C07D413/14,
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C07D471/04, A61K31/444,
A61K31/454, A61K31/4545,
A61K31/5377, A61K45/06

Language of the proceedings: EN

Title of invention:
NOVEL COMPOUNDS THAT ARE ERK INHIBITORS

Applicant:
Merck Sharp & Dohme Corp.

Headword:
ERK inhibitors/MERCK

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

Keyword:
Admissibility of appeal - missing statement of grounds



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Case Number: T 3041/19 - 3.3.01

D E C I S I O N
of Technical Board of Appeal 3.3.01
of 16 April 2020

Appellant: Merck Sharp & Dohme Corp.
(Applicant) 126 East Lincoln Avenue
Rahway, NJ 07065-0907 (US)

Representative: Hussain, Deeba, et al.
Merck Sharp & Dohme Limited
Hertford Road
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 25 April 2019
refusing European patent application No.
11836905.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman A. Lindner
Members: M. Pregetter
M. Blasi

Summary of Facts and Submissions

- I. The appeal lies from the examining division's decision posted on 25 April 2019 to refuse European patent application no. 11836905.7.
- II. The appellant (applicant) filed a notice of appeal on 20 June 2019 and paid the appeal fee on 21 June 2019. The notice of appeal contained a request that a patent be granted on the basis of the main request underlying the decision under appeal. No statement setting out the grounds of appeal was filed.
- III. By a communication dated 22 November 2019, received by the appellant on 27 November 2019, the appellant was informed that no statement of grounds of appeal had 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 invited to file observations within two months.
- IV. No reply was received.

Reasons for the Decision

1. No written statement setting out the grounds of appeal was filed within the four-month time limit provided by Article 108, third sentence, EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds of appeal according to Article 108, third sentence, and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible pursuant to Rule 101(1) EPC.
2. Oral proceedings have not been requested. Accordingly, the decision can be taken in written proceedings.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



M. Schalow

A. Lindner

Decision electronically authenticated