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**Datasheet for the decision  
of 29 April 2022**

**Case Number:** T 2091/21 - 3.3.08

**Application Number:** 12795778.5

**Publication Number:** 2782997

**IPC:** C12N7/02

**Language of the proceedings:** EN

**Title of invention:**

SCALABLE LENTIVIRAL VECTOR PRODUCTION SYSTEM COMPATIBLE WITH  
INDUSTRIAL PHARMACEUTICAL APPLICATIONS

**Patent Proprietor:**

Genethon

**Opponents:**

Oxford BioMedica (UK) Limited  
GlaxoSmithKline Intellectual Property  
Development Limited  
Miltenyi Biotec GmbH  
Ricker, Mathias  
Strawman Limited  
Hoffmann Eitle  
James Poole Limited  
Patentanwälte Isenbruck Bösl Hörschler PartG mbB

**Headword:**

Industrial scalable lentiviral vector/GENETHON

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 100(1)

**Keyword:**

Missing statement of grounds of appeal

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

Boards of Appeal of the  
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Case Number: T 2091/21 - 3.3.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.08**  
**of 29 April 2022**

**Appellant:** Genethon  
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**Representative:** Carpmaels & Ransford LLP  
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**Respondent:** Patentanwälte Isenbruck Bösl Hörschler PartG mbB  
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**Representative:** Lahrtz, Fritz  
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**Decision under appeal:**            **Decision of the Opposition Division of the  
European Patent Office posted on 14 September  
2021 revoking European patent No. 2782997  
pursuant to Article 101(3)(b) EPC.**

**Composition of the Board:**

**Chairman**            B. Stolz  
**Members:**            P. Julià  
                             R. Winkelhofer

## **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of an opposition division posted on 14 September 2021 to revoke the European patent 2 782 997 with the title "Scalable lentiviral vector production system compatible with industrial pharmaceutical applications".
- II. The patent proprietor (hereinafter "the appellant") filed a notice of appeal on 24 November 2021 and paid the appeal fee on the same day.
- III. By communication of 14 February 2022, the board informed the appellant that apparently no written statement of grounds of appeal had been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible. 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**

1. 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 99(2) and 126(2) EPC.
2. 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