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**Datasheet for the decision  
of 2 May 2022**

**Case Number:** T 2136/21 - 3.3.04

**Application Number:** 15733370.9

**Publication Number:** 3154576

**IPC:** A61K39/235, C07K14/135

**Language of the proceedings:** EN

**Title of invention:**  
Immunogenic combinations

**Applicant:**  
GlaxoSmithKline Biologicals S.A.

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 99(2), 101(1), 126(2)

**Keyword:**  
Admissibility of appeal - missing statement of grounds



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Case Number: T 2136/21 - 3.3.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.04**  
**of 2 May 2022**

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

**Representative:** Thornley, Rachel Mary  
GlaxoSmithKline  
Global Patents (CN925.1)  
980 Great West Road  
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**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 18 June 2021  
refusing European patent application No.  
15733370.9 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chair** M. Pregetter  
**Members:** R. Morawetz  
L. Bühler

## **Summary of Facts and Submissions**

- I. The appeal of the applicant (appellant) is directed against the examining division's decision refusing European patent application No. 15 733 370.9, posted on 18 June 2021.
- II. The appellant filed a notice of appeal on 25 August 2021, and paid the appeal fee on the same day. No statement of grounds of appeal was filed within the time limit provided by Article 108 EPC in conjunction with Rule 126(2) EPC.
- III. By a communication dated 14 December 2021, receipt of which was confirmed by the appellant, the registry of the board informed the appellant that it appeared from the file that 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 pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months of notification of the communication.
- IV. No observations were received 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 Rule 126(2) EPC. Furthermore, the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC and

Rule 99(2) EPC. The appeal therefore 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 Chair:



A. Chavinier-Tomsic

M. Pregetter

Decision electronically authenticated