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**Datasheet for the decision  
of 4 April 2023**

**Case Number:** T 2152/22 - 3.3.07

**Application Number:** 16805990.5

**Publication Number:** 3319587

**IPC:** A61K9/08, A61K9/19, A61K47/26,  
A61K47/69, A61K31/713,  
A61P35/00

**Language of the proceedings:** EN

**Title of invention:**

NOVEL PHARMACEUTICAL COMPOSITION COMPRISING PARTICLES  
COMPRISING A COMPLEX OF A DOUBLE-STRANDED POLYRIBONUCLEOTIDE  
AND A POLYALKYLENEIMINE

**Patent Proprietor:**

Highlight Therapeutics, S.L.

**Opponent:**

TargImmune Therapeutics AG

**Headword:**

RNA-containing particles/HIGHLIGHT

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 99(2), 101(1)

**Keyword:**

Admissibility of appeal - missing statement of grounds



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
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Case Number: T 2152/22 - 3.3.07

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.07**  
**of 4 April 2023**

**Appellant:** TargImmune Therapeutics AG  
(Opponent) Hochbergerstrasse 60c  
4057 Basel (CH)

**Representative:** Latscha Schöllhorn Partner AG  
Grellingerstrasse 60  
4052 Basel (CH)

**Respondent:** Highlight Therapeutics, S.L.  
(Patent Proprietor) Parque Científico de la Universidad de Valencia,  
C/ Catedrático Agustín Escardino 9, Paterna,  
46980 Valencia (ES)

**Representative:** Grund, Martin  
Grund Intellectual Property Group  
Patentanwälte und Solicitor PartG mbB  
Steinsdorfstraße 2  
80538 München (DE)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 11 July 2022  
rejecting the opposition filed against European  
patent No. 3319587 pursuant to Article 101(2)  
EPC**

**Composition of the Board:**

**Chairman** A. Uselli  
**Members:** J. Molina de Alba  
L. Basterreix

## **Summary of Facts and Submissions**

- I. The decision under appeal is the opposition division's decision rejecting the opposition filed against European patent No. 3 319 587. The decision was posted on 11 July 2022.
- II. The opponent (appellant) filed a notice of appeal on 19 September 2022 and paid the appeal fee on the same day.
- III. By a communication dated 16 December 2022, received by the appellant via mailbox, 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**

1. No written statement of 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 of appeal within the meaning

of Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible pursuant to Rule 101(1) EPC.

## Order

### For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



B. Atienza Vivancos

A. Uselli

Decision electronically authenticated