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**Datasheet for the decision
of 10 January 2024**

Case Number: T 1084/23 - 3.4.02

Application Number: 15851357.2

Publication Number: 3206987

IPC: B82B1/00, A61K9/14, A61K31/395,
A61K31/409, A61K31/5415,
A61K31/28, A61K31/282,
A61P35/00, B82Y5/00

Language of the proceedings: EN

Title of invention:
NANOPARTICLES FOR PHOTODYNAMIC THERAPY, X-RAY INDUCED
PHOTODYNAMIC THERAPY, RADIOTHERAPY, CHEMOTHERAPY,
IMMUNOTHERAPY, AND ANY COMBINATION THEREOF

Patent Proprietor:
The University of Chicago

Opponent:
Plougmann Vingtoft a/s

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

Keyword:
Admissibility of appeal - missing statement of grounds



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Chambres de recours

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Case Number: T 1084/23 - 3.4.02

D E C I S I O N
of Technical Board of Appeal 3.4.02
of 10 January 2024

Appellant: Plougmann Vingtoft a/s
(Opponent) Strandvejen 70
2900 Hellerup (DK)

Representative: Plougmann Vingtoft a/s
Strandvejen 70
2900 Hellerup (DK)

Respondent: The University of Chicago
(Patent Proprietor) 6030 S. Ellis
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Representative: Isarpatent
Patent- und Rechtsanwälte Barth
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
3 April 2023 concerning maintenance of the
European Patent No. 3206987 in amended form.**

Composition of the Board:

Chairman R. Bekkering
Members: C. Kallinger
B. Müller

Summary of Facts and Submissions

- I. The appeal of the opponent is directed against the decision of the opposition division posted on 3 April 2023.
- II. The appellant filed a notice of appeal on 12 June 2023 and paid the appeal fee on the same day.
- III. By communication of 15 September 2023, receipt of which was confirmed by the appellant (in the EPO 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 within that period.

Reasons for the Decision

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, or subsequent to that time limit up to the date of this decision. In addition, neither the notice of appeal nor any other document filed contains 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).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



L. Gabor

R. Bekkering

Decision electronically authenticated