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D E C I S I O N
of 17 June 1994

Case Number: T 0831/93 - 3.3.4

Application Number: 85303642.4

Publication Number: 0163493

IPC: C12P 21/08

Language of the proceedings: EN

Title of invention:

Human monoclonal antibodies to serotypic lipopolysaccharide determinants on gram-negative bacteria and their production

Patentee:

Genetic Systems Corporation

Opponent:

Sumitomo Chemical Co. Ltd. and
Sumitomo Pharmaceutical Co., Ltd.

Headword:

Relevant legal norms:

EPC Art. 108
EPC R. 65(1)

Keyword:

"Failure to file Statement of Grounds"

Decisions cited:

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Catchword:

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Case Number: T 0831/93 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 17 June 1994

Appellant: Genetic Systems Corporation
(Proprietor of the patent) 3005 First Avenue
Seattle
Washington 98121 (US)

Representative: Harrison, David Christopher
Mewburn Ellis
York House
23 Kingsway
London WC2B 6HP (GB)

Respondent: Sumitomo Chemical Co. Ltd.
(Opponent) 5-33 Kitahama 4-chome
Chuo-ku
541 Osaka (JP) and
Sumitomo Pharmaceutical Co., Ltd.
2-8, Doshomachi 2-chome
Chuo-ku
541 Osaka (JP)

Representative: Kolb, Helga, Dr. Dipl.-Chem.
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office dated 23 June 1993 revoking
European patent No. 0 163 493 pursuant to
Article 102(1) EPC.

Composition of the Board:

Chairman: U.M. Kinkeldey
Members: L. Galligani
S.C. Perryman

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office given orally on 1 June 1993 rejecting the opposition against European patent No. 0 163 493. The decision in writing was dispatched by registered letter with advice of delivery to the parties on 23 June 1993. The Appellant filed a notice of appeal by a letter received on 3 September 1993 and paid the fee for appeal on the same day. No Statement of Grounds was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.
- II. By a communication dated 15 March 1994 sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.
- III. No answer has been given within the given time limit to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

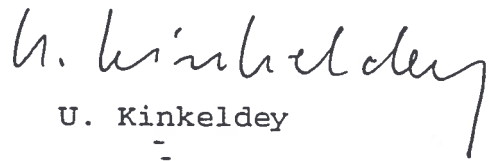
For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The Registrar:


L. McGarry

The Chairwoman:


U. Kinkeldey

