

**Internal distribution code:**

- (A) [ ] Publication in OJ  
(B) [ ] To Chairmen and Members  
(C) [X] To Chairmen

**D E C I S I O N**  
**of 25 April 1994**

**Case Number:** T 0010/94 - 3.3.4

**Application Number:** 87304571.0

**Publication Number:** 0246912

**IPC:** C12M 1/04

**Language of the proceedings:** EN

**Title of invention:**

Method and compositions for protecting anerobic microorganisms

**Applicant**

Syntex (USA) Inc.

**Opponent:**

-

**Headword:**

-

**Relevant legal norms:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Failure to file Statement of Grounds"

**Decisions cited:**

-

**Catchword:**

-



Europäisches  
Patentamt

European  
Patent Office

Office européen  
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number: T 0010/94 - 3.3.4

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.4  
of 25 April 1994

**Appellant:** Syntex (USA) Inc.  
3401 Hillview Avenue  
Palo Alto  
California 94304 (US)

**Representative:** Armitage, Ian Michael  
Mewburn Ellis  
York House  
23 Kingsway  
London WC2B 6HP (GB)

**Decision under appeal:** Decision of the Examining Division of the European Patent Office dated 28 July 1993 refusing European patent application No. 87 304 571.0 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairwoman:** U.M. Kinkeldey  
**Members:** L. Galligani  
S.C. Perryman

## Summary of Facts and Submissions

- I. The appeal lies from the decision of the Examining Division of the European Patent Office dated 28 July 1993, refusing the European patent application No. 87 304 571.0. The decision was dispatched by registered letter with advice of delivery to the Applicant on the day it was given.

The Appellant filed a notice of appeal by a letter received on 24 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 8 February 1994, sent by registered letter with advice of delivery, the Registry of the Board informed the Appellant that no Statement of Grounds has 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

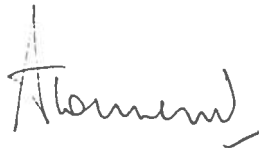
As no written Statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:

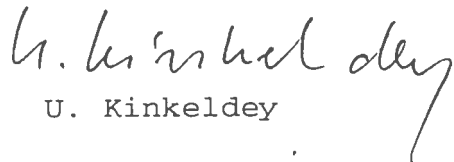
The appeal is rejected as inadmissible.

The Registrar:



A. Townsend

The Chairwoman:



U. Kinkeldey