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D E C I S I O N
of 8 March 1995

Case Number: T 0880/94 - 3.3.4

Application Number: 88300813.8

Publication Number: 0289110

IPC: A61K 39/385

Language of the proceedings: EN

Title of invention:
Conjugate malaria vaccine

Applicant:
Swiss Serum and Vaccine Institute Berne

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Failure to file Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0880/94 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 8 March 1995

Appellant: Swiss Serum and Vaccine Institute Berne
Rehhagstrasse 79
CH-3001 Berne (CH)

Representative: Bannerman, David Gardner
Withers & Rogers
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Holborn
London, EC1N 2JT (GB)

Decision under appeal: Decision of the Examining Division of the European
Patent Office dated 14 June 1994 refusing European
patent application No. 88 300 813.8 pursuant to
Article 97(1) EPC.

Composition of the Board:

Chairwoman: U. M. Kinkeldey
Members: R. E. Gramaglia
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 14 June 1994, refusing the European patent application No. 88 300 813.8. The decision was dispatched by registered letter with advice of delivery to the Applicant on 14 June 1994.

The Appellant filed a Notice of Appeal by a letter received on 9 August 1994 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 12 December 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

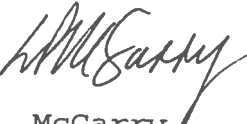
As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:


L. McGarry

The Chairwoman:


U. Kinkeldey