

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 15 July 1996

Case Number: T 0315/96 - 3.3.4

Application Number: 87850125.3

Publication Number: 0243333

IPC: C12N 15/00

Language of the proceedings: EN

Title of invention:

Preparation of fused proteins, antibodies and processes
therefore

Applicant:

Pharmacia AB

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 0315/96 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 15 July 1996

Appellant: Pharmacia AB
S-171 97 Stockholm (SE)

Representative: Burman, Tore
AWAPATENT AB
Box 45086
S-104 30 Stockholm (SE)

Decision under appeal: Decision of the Examining Division of the European Patent Office dated 23 October 1995 refusing European patent application No. 87 850 125.3 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: U. M. Kinkeldey
Members: L. Galligani
W. Moser

Summary of Facts and Submissions

I. The appeal lies from the decision of the Examining Division of the European Patent Office dated 23 October 1995, refusing the European patent application No. 87 850 125.3. The decision was dispatched by registered letter with advice of delivery to the Applicant on 23 October 1995.

The Appellant filed a Notice of Appeal by a letter received on 20 December 1995 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 16 April 1996, 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

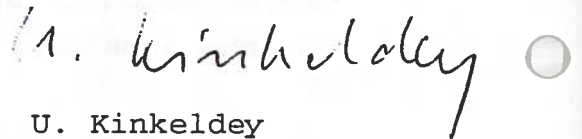
For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:


L. McGarry

The Chairman:


U. Kinkeldey