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D E C I S I O N
of 29 August 1996

Case Number: T 0421/96 - 3.3.4

Application Number: 89303328.2

Publication Number: 0336718

IPC: C12N 15/00

Language of the proceedings: EN

Title of invention:

Microbial degradation of trichloroethylene

Applicant:

AMGEN INC.

Opponent:

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Headword:

-

Relevant legal provisions:

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 0421/96 - 3.3.4

D E C I S I O N
of the Technical Board of Appeal 3.3.4
of 29 August 1996

Appellant: AMGEN INC.
1900 Oak Terrace Lane
Thousand Oaks, California 91320 (US)

Representative: Brown, John David
FORRESTER & BOEHMERT
Franz-Joseph-Strasse 38
80801 München (DE)

Decision under appeal: Decision of the Examining Division of the European
Patent Office dated 10 November 1995 refusing
European patent application No. 89 303 328.2
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: U. M. Kinkeldey
Members: F. L. B. Davison-Brunel
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 10 November 1995, refusing the European patent application No. 89 303 328.2. The decision was dispatched by registered letter with advice of delivery to the Applicant on 10 November 1995.

The Appellant filed a notice of appeal by a letter received on 12 January 1996 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 22 May 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:

The Chairwoman:

L. McGarry

U. Kinkeldey