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**D E C I S I O N**  
of 28 January 1999

**Case Number:** T 0147/98 - 3.3.4

**Application Number:** 84900955.0

**Publication Number:** 0138855

**IPC:** G01N 33/68

**Language of the proceedings:** EN

**Title of invention:**  
METHOD OF DETERMINING ANTIGENICALLY ACTIVE AMINO ACID  
SEQUENCES

**Patentee:**  
CHIRON MIMOTOPES PTY. LTD., et al

**Opponent:**  
Boehringer Mannheim GmbH Patentabteilung

**Headword:**  
Method of determining/CHIRON

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

**Keyword:**  
"Missing Statement of Grounds"

**Decisions cited:**  
-

**Catchword:**  
-



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Boards of Appeal

Chambres de recours

Case Number: T 0147/98 - 3.3.4

**DECISION**  
of the Technical Board of Appeal 3.3.4  
of 28 January 1999

**Appellant:**  
(Opponent)

Boeringer Mannheim GmbH  
Patentabteilung  
Sandhofer Straße 116  
D-68298 Mannheim (DE)

**Representative:**

-

**Respondent:**  
(Proprietor of the patent)

CHIRON MIMOTOPES PTY. LTD. et al.  
Corner Duerdin and Martin Streets  
AU-Clayton, VIC 3168 (AU)

**Representative:**

Hallybone, Huw George  
CARPMAELS AND RANSFORD  
43 Bloomsbury Square  
GB-London WC1A 2RA (GB)

**Decision under appeal:**

Interlocutory decision of the Opposition Division  
of the European Patent Office posted  
2 December 1997 concerning maintenance of  
European patent No. 0 138 855 in amended form.

**Composition of the Board:**

**Chairman:** U. M. Kinkeldey  
**Members:** L. Galligani  
C. Holtz

## Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the opposition division of the European Patent Office posted on 2 December 1997, by which European patent No. 0 138 855 was maintained in amended form.

The appellant (opponent) filed a notice of appeal by letter received on 30 January 1998 and paid the fee for appeal on the same day. No statement of grounds of appeal was filed. The notice of appeal contains nothing that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC.

- II. By a communication dated 20 October 1998, sent by registered letter with advice of delivery, 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 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 (Rule 65(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

*A. Townend*  
A. Townend

The Chairperson:

*U. M. Kinkeldey*  
U. M. Kinkeldey

*Ch 29.1.99*  
*lv 29.1.99*