Case Number: T 1191/01 - 3.3.4
Application Number: 94903271.8
Publication Number: 0630405
IPC: C12N 15/12
Language of the proceedings: EN
Title of invention: Novel V28 seven transmembrane receptor
Patentee: ICOS CORPORATION
Opponent: SmithKline Beecham plc
Duphar International Research B.V.
Headword: V28 receptor/ICOS
Relevant legal provisions: EPC Art. 108
EPC R. 65(1)
Keyword: "Missing Statement of Grounds"
Decisions cited: -
Catchword: -
Case Number: T 1191/01 - 3.3.4

DEcision
of the Technical Board of Appeal 3.3.4
of 27 May 2002

Appellant: ICOS CORPORATION
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Respondent: SmithKline Beecham plc
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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 22 August 2001 revoking European patent No. 0 630 405 pursuant to Article 102(1) EPC.

Composition of the Board:
Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 22 August 2001 revoking the European Patent No. 0 630 405.

The Appellant (patent proprietor) filed a notice of appeal by letter received on 30 October 2001 and paid the fee for appeal on the same date. No statement setting out the grounds of appeal was filed, and 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 14 February 2002, the Registry of the Board informed the Appellant that no statement setting out the grounds of appeal 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. Attention was also drawn to 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:  

The Chairwoman:

P. Cremona  

U. Kinkeldey