Datasheet for the decision
of 4 October 2007

Case Number: T 1849/06 - 3.3.08
Application Number: 92922321.2
Publication Number: 0618976
IPC: C12N 15/32
Language of the proceedings: EN
Title of invention:
Synthetic DNA sequence having enhanced insecticidal activity in maize
Patentee:
Syngenta Participations AG
Opponents:
Dow Agrosciences LLC
Pioneer Hi-Bred International Inc.
Bayer BioScience N.V.
Monsanto Company
Headword:
Insecticidal DNA/SYNGENTA
Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)
Keyword:
"Missing statement of grounds"
Decisions cited:
-
Catchword:
-
DECISION
of the Technical Board of Appeal 3.3.08
of 4 October 2007

Appellant: Syngenta Participations AG
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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 29 September 2006 revoking European patent No. 0618976 pursuant to Article 102(1) EPC.

Composition of the Board:
Chairman: L. Galligani
Members: P. Julià
T. Karamanli
Summary of Facts and Submissions

I. The proprietor (appellant) filed on 7 December 2006 a notice of appeal against the decision of the opposition division dated 29 September 2006, whereby the European patent No. 0 618 976 was revoked. The appeal fee was paid on the same day. No statement setting out the grounds of appeal was filed.

II. By a communication dated 16 March 2007 sent by registered letter with advice of delivery, the Registrar of the Board of Appeal informed the appellant that no written statement of grounds of appeal had been filed and that therefore the appeal was 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. The appellant did not reply to said communication, and no request for re-establishment of rights was filed.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain any statements that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC, 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: A. Wolinski

The Chairman: L. Galligani