Datasheet for the decision of 30 January 2009

Case Number: T 1278/08 - 3.3.04
Application Number: 99943915.1
Publication Number: 1105517
IPC: C12Q 1/00
Language of the proceedings: EN

Title of invention:
Rapid quantitative analysis of proteins or protein function in complex mixtures

Patentee:
University of Washington

Opponent:
Proteome Sciences plc

Headword:
Rapid quantitative analysis of proteins/UNIVERSITY OF WASHINGTON

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):
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Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-
Case Number: T 1278/08 - 3.3.04

DECISION
of the Technical Board of Appeal 3.3.04
of 30 January 2009

Appellant: Proteome Sciences plc
(Opponent)
Coveham House, Downside Bridge Road, Cobham
Surrey, KT11 3EP (GB)

Representative: Hill, Christopher Micheal
Page White & Farrer
Bedford House
John Street
London WC1N 2BF (GB)

Respondent: University of Washington
(Patent Proprietor)
Office of Technology Transfer
JD-50
1107 NE 45th Street
Suite 200
Seattle, WA 98105 (US)

Representative: Fisher, Adrian John
CARPMAELS & RANSFORD
43-45 Bloomsbury Square
London WC1A 2RA (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
19 March 2008 concerning maintenance of
European patent No. 1105517 in amended form.

Composition of the Board:
Chair: U. Kinkeldey
Members: M. Wieser
F. Blumer
Summary of Facts and Submissions

I. The appeal concerns the interlocutory decision of the opposition division of the European Patent Office posted on 19 March 2008 according to which the European patent No. 1 105 117 in amended form complies with the requirements of the EPC.

II. The appellant (opponent) filed a notice of appeal on 16 May 2008 and paid the fee for appeal on the same day.

III. No statement of grounds was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

IV. By communication dated 4 September 2008, 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; further, the appellant was requested to make clear if the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal has not been filed.

V. The appellant, by letter dated 11 September 2008, stated that the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the fact that a written statement of grounds of appeal has not been filed.
Reasons for the Decision

As no written statement setting out the grounds of appeal had been filed, the appeal has to be rejected as inadmissible (Rule 101(1) EPC in conjunction with Article 108 EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

Registrar: Chair:

P. Cremona U. Kinkeldey