Datasheet for the decision of 17 September 2012

Case Number: T 0099/12 - 3.3.02
Application Number: 04757476.9
Publication Number: 1610772
IPC: A61K 31/07, A61P 27/02
Language of the proceedings: EN

Title of invention:
Retinoid replacements and opsin agonists and methods for the use thereof

Applicant:
University of Washington

Opponent:
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Headword:
-

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

Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-
Case Number: T 0099/12 - 3.3.02

DECISION
of the Technical Board of Appeal 3.3.02
of 17 September 2012

Appellant: University of Washington
(Applicant)
UW TechTransfer Invention Licensing
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Seattle, WA 98105-4608 (GB)

Representative: Roques, Sarah Elizabeth
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Decision under appeal: Decision of the Examining Division of the European Patent Office posted 1 August 2011 refusing European patent application No. 04757476.9 pursuant to Article 97(2) EPC.

Composition of the Board:
Chairman: U. Oswald
Members: M. C. Ortega Plaza
D. Prietzel-Funk
Summary of Facts and Submissions

I. The appeal contests the decision of the examining division dated 1 August 2011, refusing European patent application No. 04757476.9.

The appellant (applicant) filed a notice of appeal received on 4 October 2011 and paid the fee for appeal on the same day. No statement of grounds of appeal was filed.

II. In a communication dated 31 May 2012, sent by registered post with advice of delivery, the registrar of the board informed the appellant that no statement of grounds of appeal had been filed and that it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC, and was invited to file observations within two months of notification of the communication.

III No reply was filed to said communication.

Reasons for the Decision

1. Article 108 EPC requires that a statement setting out the grounds of appeal shall be filed within four months of notification of the decision. Pursuant to Rule 101(1) EPC the appeal shall be rejected as inadmissible if it does not comply with Article 108 EPC.
2. In the present case no document was filed by the appellant which could be regarded as a statement setting out the grounds of appeal. Consequently the appeal has to be rejected as inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar: The Chairman:

N. Maslin U. Oswald