Datasheet for the decision of 21 February 2014

Case Number: T 2260/13 - 3.3.08
Application Number: 06790840.0
Publication Number: 1948802
IPC: C12N15/62, A61K47/48, A61K39/29, A61P31/14, C07K14/18, C07K16/18, C07K19/00, C12N1/21, C12N15/13, C12N15/51, C12N15/63, C12N5/10, C12P21/02

Language of the proceedings: EN

Title of invention:
CHIMERIC ANTIGEN CONTAINING HEPATITIS C VIRUS POLYPEPTIDE AND FC FRAGMENT FOR ELICITING AN IMMUNE RESPONSE

Applicant:
AKSHAYA BIO INC.

Headword:
Chimeric antigen hepatitis C virus Fc fragment/AKSHAYA

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

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:
Catchword:
Case Number: T 2260/13 - 3.3.08

DECISION
of Technical Board of Appeal 3.3.08
of 21 February 2014

Appellant: AKSHAYA BIO INC.
(Applicant)
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Representative: Ehnis, Tobias
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Decision under appeal: Decision of the Examining Division of the European Patent Office posted on 29 May 2013 refusing European patent application No. 06790840.0 pursuant to Article 97(2) EPC.

Composition of the Board:
Chairman: M. Wieser
Members: P. Julià
D. Rogers
Summary of Facts and Submissions

I. The appeal lies against the decision of the Examining Division of the European Patent Office of 29 May 2013 whereby European patent application No. 06 790 840.0, published as EP-A1-1 948 802 with the title "Chimeric antigen containing hepatitis C virus polypeptide and Fc fragment for eliciting an immune response", was refused.

II. The appellant filed a notice of appeal on 16 July 2013 and paid the appeal fee on the same day. No statement of grounds of appeal was filed within the time limit set by Article 108 EPC.

III. By communication of 28 November 2013 sent by registered letter with advice of delivery, the EPO informed the appellant that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, and Rule 101(1) EPC. The appellant was invited to file observations within two months. The appellant did not reply to said communication, and no request for reestablishment 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 101(1) EPC).
Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar: The Chairman:

A. Wolinski M. Wieser

Decision electronically authenticated