De Clercq & partners
intellectual property

European Patent Office
80298 Munich
Germany

Sint-Martens-Latem, January 31, 2017

Online filing

Our ref. : TBI-2764103-OPP
Re. : European Patent no. 2764103
In the name of The Broad Institute, Inc. and Massachusetts Institute of Technology

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Dear Madam, Dear Sir,

This is further to your Communication of notices of opposition (R. 79(1) EPC) dated June 28, 2016 and your Communications according to Rule 132 EPC of July 4, 2016 and September 7, 2016 concerning the above-mentioned European patent.

Patentees respectfully request a further extension of two months to reply to Communication of notices of opposition.

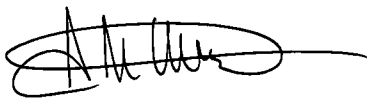
The Patentees note that the opposition relating to EP 2764103 is an extraordinary case in which no less than seven separate opponents have filed oppositions and which concerns complex legal issues. In the present case, response requires addressing arguments made in each of the 7 Oppositions, with each opposition raising multiple grounds and multiple arguments. By way of illustration, it is noted that the Opponents have collectively submitted a total of 164 cited documents to date, and the EPO register currently indicates a total of over 28,001 pages of documents on the file of which 22,599 documents filed in the opposition stage only. Further a technical expert declaration from Dr. Lawrence has been submitted by Opponent 5 CRISPR Therapeutics AG which needs further fact checking with external experts.

Without the requested extension, there is a realistic chance that the Patentees will not be able to file a response that deals with all the objections raised by the Opponents. Especially with a view to the EPO's new policy with regard to the submission of facts and evidence in opposition proceedings, the Patentees would prefer to avoid having to file further evidence in support of their position after expiry of the deadline set by the Office. The requested extension is therefore indispensable to ensure the Patentees' right to be heard under Article 113(1) EPC.

The Patentees therefore kindly request that the further extension of two months be allowed by the Office.

We kindly request to let us have your decision in the near future.

Respectfully submitted,



Mrs. DE CLERCQ, Ann
Professional Representative before the EPO